Guide to Coordinated Authorizations for Major Mines

Version 2.0 - December 2013

Disclaimer

This document references legal requirements as well as providing recommendations and advice for those involved in the coordinated review of authorizations for major mines. The content should not be interpreted as legal instructions or legal advice. Users of this guide should refer directly to official copies of the legislation to determine legal requirements and seek qualified legal counsel when case-specific interpretations are needed.

Warranty

While every effort has been made to ensure the accuracy of the information herein, no warranties of any kind are made as to the precision or longevity of the contents.

This information is provided as a public service by the Government of British Columbia. This document and all of the information it contains are provided "as is" without warranty of any kind, whether express or implied. All implied warranties, including, without limitation, implied warranties of merchantability, fitness for a particular purpose, and non-infringement, are hereby expressly disclaimed.

Limitation of Liabilities

Under no circumstances will the Government of British Columbia be liable to any person or business entity for any direct, indirect, special, incidental, consequential, or other damages based on any use of this information or any other document or material to which this document is linked, including, without limitation, any lost profits, business interruption, or loss of programs or information, even if the Government of British Columbia has been specifically advised of the possibility of such damages.

Copyright © 2013, Province of British Columbia

The following policy governs the use of this document and all supporting print, audio and visual files.

All rights reserved

This material is owned by the Government of British Columbia and protected by copyright law. It may not be reproduced or redistributed without the prior written permission of the Province of British Columbia.

Please refer to the Intellectual Property Program's website for copyright permission requests: http://www.cio.gov.bc.ca/cio/intellectualproperty/copyright.page

Document Change Control

Version	Date	Brief Description of Change
Drafts 0.1-0.5	Jan – Mar 2012	Draft versions with limited circulation
Draft 0.6	April 4, 2012	Endorsed draft circulated for review, use and distribution
1.0	August 7, 2012	Draft status removed after minor changes to reflect the revised Memorandum of Understanding between MEM and NRFLO, dated June 5, 2012.
Draft Revisions - September 2013_1	September 29, 2013	Draft revisions to reflect Proponent Guide to Major Mine Authorizations, Regional MDRC Terms of Reference and 2013 Revised MOU.
Revisions until process review scheduled for spring 2014	December 16, 2013	Changes made to diagrams and additional language added for clarity. Designed to work in harmony with the Proponent Guide Coordinated Authorizations for Major Mines.

Contents

Preface 1
Acronyms 1
Key Terms 2

Part 1 Introduction 4

1.1 Life of a Mine 4
1.2 Major Mine Reviews Prior to Coordinated Authorizations 7
1.3 Major Mine Reviews under "One Process" Model 7
1.4 Coordinated Authorizations Today 8
1.5 The Value of Coordinated Authorizations 9

Part 2 Regulatory Framework for Major Mines 10

2.1 Statutory Authorizations by Development Stage 10
2.2 Essential Authorizations for Work on a Mine Site 12
2.2.1 Mines Act Permit 12
2.2.2 Mine Tenure 12
2.2.3 Environmental Management Act Effluent Discharge Permit 12
2.3 Notification Requirements Under the Mines Act and Environmental Management Act 13
2.4 Other Provincial and Federal Authorizations 13
2.5 Relationship to Other Processes 14
2.5.1 Regional Mine Development Review Committees 14
2.5.2 Land Use Planning 15
2.5.3 BC Environmental Assessment Process 15
2.5.3.1 Concurrent Approval Regulation 15
2.5.4 Canadian Environmental Assessment Process 16
2.5.5 Strategic Agreements with First Nations 17

Part 3 The Coordinated Authorizations Process 18

3.1 Initiating the Coordinated Authorizations Process 18
3.2 Establishing a Project-Specific Mine Review Committee 21
3.2.1 Mine Review Committee Terms of Reference 21
3.2.2 Mine Review Committee Membership 22
3.2.3 Relationship of Proponents and Others to Mine Review Committee 23
3.2.4 Mine Review Committee Administration 24
3.3 Roles and Authorities 24
3.3.1 Chief Inspector of Mines 24
3.3.2 Project Manager 25
3.3.3 First Nations Consultation Advisor 25
3.3.4 Project-Specific Mine Review Committee 26
3.3.5 Regional Mine Development Review Committee 27
3.3.6 First Nations 27
3.3.7 Proponent 28

3.4 STAGES OF THE COORDINATED AUTHORIZATIONS PROCESS 29
3.4.1 Pre-Application Stage 29
3.4.1.1 Outreach 30
3.4.1.2 Project Description 30
3.4.1.3 Scoping of Issues and Information Requirements 31
Environmental Assessment Conditions *31*
Issues and Information Requirements *31*
3.4.1.4 Determining Which Applications to Bundle 32
3.4.1.5 Planning First Nations Consultation 33
3.4.1.6 Application Requirements 34
3.4.2 Initial Submission and Screening Stage 34
3.5 APPLICATIONS REVIEW STAGE 34
3.5.1 Review Initiation 34
3.5.2 Public Review and Comment 35
3.5.3 First Nations Consultation and Accommodation 35
3.5.4 Technical Review by Mine Review Committee 37
3.6 REPORTS TO STATUTORY DECISION-MAKERS 37
3.6.1 Report of the Mine Review Committee 37
3.6.2 First Nations Consultation Report 38
3.6.3 Statutory Decisions 38

PART 4 TOOLS AND REFERENCES 39

4.1 BACKGROUND 39
4.1.1 Mining Basics 39
4.1.2 Flow Chart: Environmental Assessment – Coordinated Authorizations 39
4.2 MINE REVIEW COMMITTEE GUIDANCE 41
4.2.1 Mine Review Committee Meeting Records Guidance 41
4.2.2 Mine Review Committee Issue Tracking Guidance 44
4.2.3 Potentially Required Authorizations 49
4.2.4 Guidance for Consulting First Nations 47
4.3 TEMPLATES 48
4.3.1 Mine Review Committee Terms of Reference 48
4.3.2 Project Description 48
4.3.3 Application Requirements for Mines Act & Environmental Management Act Permits 48
4.3.4 Report to Statutory Decision-Makers - Major Mine from EAA Process 48
4.3.5 Report to Statutory Decision-Makers - Expansion, Extension or Restart 48
4.3.6 Report to Statutory Decision-Makers – Non-Reviewable Under 49
4.3.7 Coordinated Authorization Process 49
4.4 Authorization Essentials 50

List of Figures

Figure 1 - Life Cycle Timelines 4
Figure 2 – Mine Development Stages 6
Figure 3 – Regulatory Framework for Major Mines 11
Figure 4 – Review Processes for Major Mines 20
Figure 5 – Coordinated Authorizations Process Overview 29
Figure 6 – BC EA, Mine Development Stages & Coordinated Authorizations Processes 40

PREFACE

This guide is targeted primarily at provincial government staff involved in the coordinated authorizations process for the review of applications for major mine authorizations. It may also be useful in explaining the coordinated authorizations process for major mine reviews to other participants in the process, including First Nations, federal government agencies, international jurisdictions, local and regional governments, mine proponents and the public.

This guide provides a backgrounder to set the context for the coordinated authorizations process, an overview of the regulatory framework for major mines in British Columbia, an explanation of the stages of mine development and their linkages to regulatory requirements, a detailed description of the coordinated authorizations process, and several references and tools to assist participants in the process.

Although this document is guidance, provincial staff in the Ministry of Energy and Mines (MEM) and the Ministry of Forests, Lands and Natural Resource Operations (FLNRO) are expected to implement the key features of the coordinated authorizations process consistently throughout the province. Project-specific circumstances can be addressed within the framework described in this guide.

A companion guide for proponents of major mine projects, called the *Proponent's Guide to Coordinated Authorizations for Major Mine Projects*, is available on the FLNRO website.

ACRONYMS

DFO	Fisheries and Oceans Canada
EAO	Environmental Assessment Office (BC)
FLNRO	Ministry of Forests, Lands and Natural Resource Operations
MARR	Ministry of Aboriginal Relations and Reconciliation
MDRC	Regional Mine Development Review Committee
MEM	Ministry of Energy and Mines
MOE	Ministry of Environment
MRC	Project-specific Mine Review Committee

DRAFT

KEY TERMS

Code in this guide refers to the Health, Safety and Reclamation Code for Mines in British Columbia established under the *Mines Act*.

Coordinated Authorizations Process is defined in the 2013 Memorandum of Understanding between MEM and FLNRO as the process followed to coordinate the review of all natural resource sector authorizations and to harmonize First Nations consultation for new or expanding major mines and regional mines.

Major Mine in this guide is a mine as defined in Section 10.1.2.1 of the Code, and includes all new and existing coal and metal mines for which only the Chief Inspector of Mines, or delegated Chief Inspector, is the statutory decision-maker.

Memorandum of Understanding in this guide refers to the 2013 Memorandum of Understanding between MEM and FLNRO to reflect the Province's commitment to reduce regulatory burden and duplication through a coordinated and integrated approach to natural resource management in the mining sector. The memorandum establishes an agreement regarding the review and permitting of proposed major mines and regional mines.

Mine Review Committee in this guide is a project-specific interagency committee managed by FLNRO that includes provincial, First Nations, federal and local government representatives, convened to coordinate the review of proposed new major mines or large expansions of major mines. Each MRC at the conclusion of the review provides recommendations to the Chief Inspector of Mines on applications for *Mines Act* permits pursuant to parts 10.3.1 and 10.3.2 of the Code, and provides recommendations to other statutory decision-makers to which applications are made. The MRC satisfies the requirement under Section 9 of the *Mines Act* to act as a regional advisory committee specific to the mine project under review.

Project Manager in this guide means a person assigned by FLNRO to lead and manage a major mine coordinated authorizations review referred to FLNRO by the Chief Inspector of Mines.

Regional Mine means exploration activities as defined in Sections 9.2.1 of the Code and placer mines, gravel pits, rock quarries and industrial mineral quarries as defined in Section 10.1.1 of the Code, for which a Mines Inspector, appointed by the Chief Inspector of Mines, is the delegated statutory decision maker under the *Mines Act*. Regional Mines also include bulk samples as defined in Section 10.1.2 (2) of the Code and any other mining activities that are delegated to Mines Inspectors by the Chief Inspector of Mines.

Regional Mine Development Review Committee (MDRC) is a standing regionally-based interagency advisory committee established under Section 9 of the *Mines Act* to review applications for authorizations under the *Mines Act* referred to them by the Chief Inspector of Mines, and to make recommendations to the Chief Inspector.

Tenure with respect to mineral exploration and development, means mining and placer claims and leases under the *Mineral Tenure Act* and coal licenses and leases under the *Coal Act*.

Although this guide cites specific legislation, government policies and other documentation, it is only included for the user's convenience. Users should be aware that some of the legislation, policies and documents cited are subject to review and change from time to time. Users should therefore refer to official copies of the legislation, and should contact the appropriate government offices directly to determine legal requirements and confirm that they are referencing the most up to date policies and documentation.

DRAFT

INTRODUCTION

Major mines are complex undertakings that typically require multiple statutory authorizations from several provincial agencies. For the purpose of this guide a major mine is an operating mine as defined in Section 10.1.2.1 of the Health, Safety and Reclamation Code for Mines in British Columbia (Code), and refers to all new and existing coal and metal mines which the Chief Inspector of Mines or a delegated Chief Inspector has referred to the coordinated authorizations process. This section of the guide provides some background and context for today's coordinated authorizations process for major mines.

1.1 LIFE OF A MINE

The life of a mine involves a continuum of activities starting from the search for mineralization and extending beyond the last extraction of ore. Although a mine can be active for decades, the land will eventually be rehabilitated and so mining is often described as a "life cycle" starting from and ending with available land resources. Figure 1 shows the phases and timelines suggested by the Association for Mineral Exploration in BC and the Mining Association of BC.

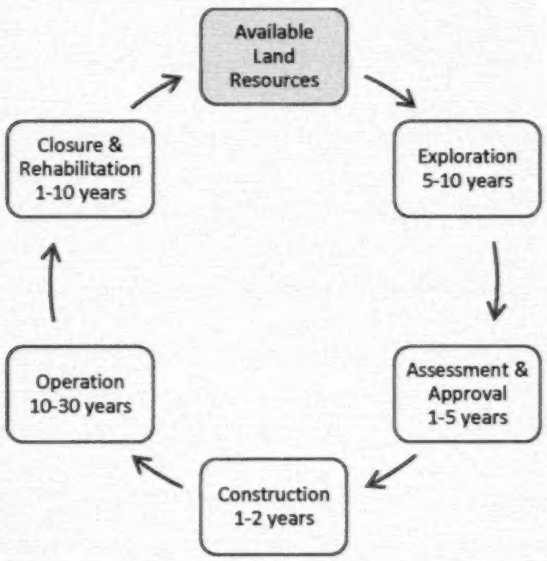

Figure 1 - Life Cycle Timelines

In practice, there are no standard definitions for development stages of a mine. Figure 2 defines the development stages referred to in this guide. Of particular note is that some activities, like reclamation, may actually occur at multiple stages throughout the life of a mine.

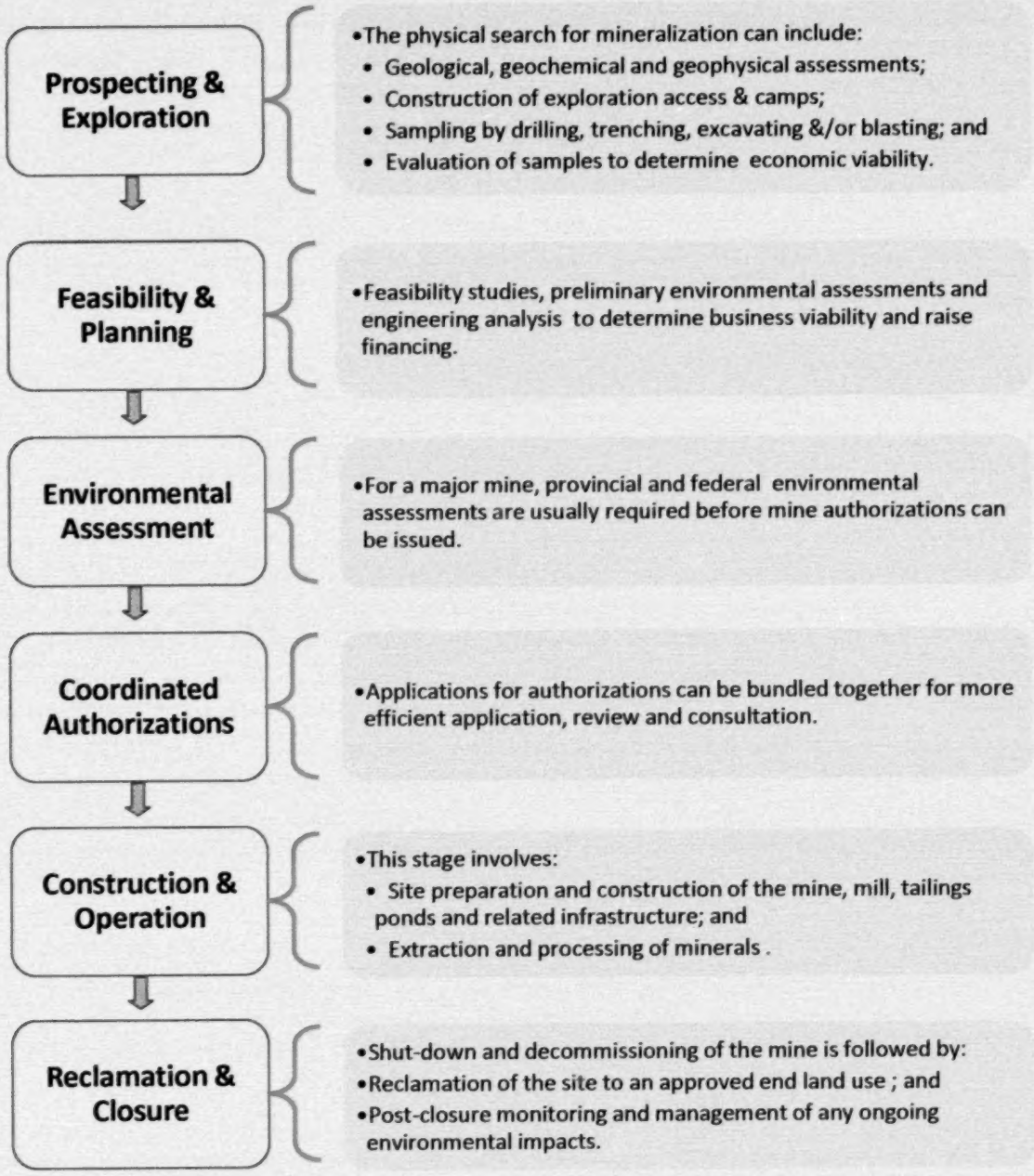
Prospecting & Exploration
•The physical search for mineralization can include:
• Geological, geochemical and geophysical assessments;
• Construction of exploration access & camps;
• Sampling by drilling, trenching, excavating &/or blasting; and
• Evaluation of samples to determine economic viability.
Feasibility & Planning
•Feasibility studies, preliminary environmental assessments and engineering analysis to determine business viability and raise financing.
Environmental Assessment
•For a major mine, provincial and federal environmental assessments are usually required before mine authorizations can be issued.
Coordinated Authorizations
•Applications for authorizations can be bundled together for more efficient application, review and consultation.
Construction & Operation
•This stage involves:
• Site preparation and construction of the mine, mill, tailings ponds and related infrastructure; and
• Extraction and processing of minerals .
Reclamation & Closure
•Shut-down and decommissioning of the mine is followed by:
•Reclamation of the site to an approved end land use ; and
•Post-closure monitoring and management of any ongoing environmental impacts.

Figure 2 – Mine Development Stages

1.2 Major Mine Reviews Prior to Coordinated Authorizations

In the past, long-standing multi-agency Regional Mine Development Review Committees (MDRCs) established under Section 9 of the *Mines Act* were the primary contact for mining industry proponents seeking authorizations for major mines under the *Mines Act*. In 2006, MEM revised the terms of reference, operating procedures and proponent guidelines for regional MDRCs to ensure that mine projects that were non-reviewable under the BC *Environmental Assessment Act* were subjected to a similar level of environmental assessment. The MDRC review process for major mines included a well-defined pre-application stage which included requirements for a project description and a draft permit application proposal from the proponent, as well as a screening step to ensure the draft application contained sufficient information to support a full application review. Although these committees would strive to identify other statutory authorizations required and, to the extent practicable, coordinate the review of applications, mine proponents would still need to approach individual agencies for each of the other authorizations required. Each agency would then work separately with the proponent and conduct individual technical reviews and First Nations consultations on each authorization application.

1.3 Major Mine Reviews under "One Process" Model

Following the reorganization of BC's natural resource ministries in 2010, the province has been moving forward with a "One Process" model for the review of natural resource developments and the required First Nations consultations for those projects. A June 2011 Memorandum of Understanding between MEM and FLNRO, which was amended in 2012, set out the approach for coordinated project review and First Nations consultation processes led by FLNRO. Under the memorandum, it was agreed that, once a major mine advances to a stage where multiple authorizations are required, the Chief Inspector of Mines may establish a project-specific Mine Review Committee (MRC) to coordinate and review the authorization applications and provide advice to statutory decision-makers. As well, the Chief Inspector may request that FLNRO assign a project manager to chair the committee and a consultation advisor to lead First Nations consultations.

The "One Process" model for coordinated authorizations for major mines was described in the Guide to Coordinated Authorizations for Major Mines; Version 1.0, dated August 7, 2012.

1.4 COORDINATED AUTHORIZATIONS TODAY

The Province of British Columbia recognizes the value and importance of mining and has put in place changes that are improving the way that natural resource agencies respond to mine proposals.

In October 2012, the BC Public Service's Natural Resource Sector (NRS) released its 2013-2014 Natural Resource Sector Transformation Plan. Under the transformation plan the NRS, comprised of the provincial ministries of Aboriginal Relations and Reconciliation (MARR), Agriculture, MEM, Natural Gas Development, Environment (MOE) including the Environmental Assessment Office (EAO), and FLNRO has adopted the vision that BC's land base be managed in a coordinated and seamless way. By adopting a "One Land Base – One Land Manager" approach, the NRS ministries are working in a collaborative way, along with their counterparts in other provincial, federal and local government agencies and with First Nations, to streamline permitting decisions to encourage economic development while striving to better understand and manage potential impacts to environmental, social, and cultural values.

A Memorandum of Understanding between MEM and FLNRO is updated annually and confirms the Province's commitment to coordinate authorizations in the natural resource sector and to streamline regulatory processes while maintaining high safety and environmental standards. The memorandum is a reflection of the Province's commitment to reduce the regulatory burden and duplication through a coordinated and integrated approach to natural resource management in the mining sector.

Among other things, the memorandum establishes that:

- MEM through the regional MDRCs will provide early conversations and pre-application support for major mine projects bound for the coordinated authorizations process.
- The Chief Inspector of Mines will be the primary contact and initial point of intake for major mine permit applications and amendment applications.
- Once a mine project advances to a stage that requires the co-ordination of multiple authorizations, the Chief Inspector, in collaboration with FLNRO, may establish a MRC chaired by FLNRO.
- Once a MRC is established, the FLNRO Project Manager will be the key contact for the mine project and will work to ensure a coordinated approach for the mine review. The Project Manager will establish a project team in consultation with the Chief Inspector.
- MRC projects will be managed according to the Guide to Coordinated Authorizations for Major Mines.
- Unless otherwise agreed to, FLNRO is responsible for the delivery of the procedural aspects of First Nations consultation for major mine authorizations, and will provide a consultation summary to an agreed upon standard to the Chief

Inspector at the conclusion of the consultation process.

Major mine proponents will be encouraged to bundle multiple applications for authorizations to enable a coordinated review through the MRC's collaborative and integrated process.

The coordinated authorizations approach will provide all reviewers with an opportunity to evaluate and provide recommendations based on a comprehensive and holistic understanding of the proposed project. The end result of the coordinated authorizations process will be a single recommendations report from the MRC to statutory decision-makers for all of the bundled applications.

1.5 THE VALUE OF COORDINATED AUTHORIZATIONS

The coordinated authorizations process strives to reduce time, expense and risk while improving decisions. Streamlining and coordinating the permit application process provides benefits for the proponent, First Nations, the public and government.

The Proponent of a major mine will have a government project manager assigned to coordinate the review process and, with the assistance of technical staff of statutory decision-makers, provide the proponent with a better understanding and greater certainty about application requirements. Proponents have the opportunity to bundle applications into a single submission to gain efficiencies in application documentation, First Nations consultation and agency reviews.

First Nations are able to assess the project as a whole within a harmonized consultation process instead of having to respond to a series of piecemeal consultations.

Public safety, environmental and economic interests are served by informed and durable decisions supported by a comprehensive review.

Government staff and resources are used more effectively and efficiently. Facilitated coordination of natural resource agencies can improve consistency of approach, reduce overlap and share expertise.

REGULATORY FRAMEWORK FOR MAJOR MINES

2.1 STATUTORY AUTHORIZATIONS BY DEVELOPMENT STAGE

Figure 3 identifies statutory requirements corresponding to the development stages defined in the previous section, outlined in bold. Each requirement will have triggers and processes specified in legislation and/or policy.

The purpose of Figure 3 is to illustrate the potential number of authorizations and the general timing of requirements through the life of a mine. Note that there are a number of authorization requirements outside of the coordinated authorizations stage. Figure 3 is not intended to serve as a comprehensive list. Some requirements, such as those under the *Heritage Conservation Act*, will need to be considered at the earliest stages to determine if and when requirements will be triggered for a specific project. Section 0 provides a more complete list of potential authorizations required for a major mine.

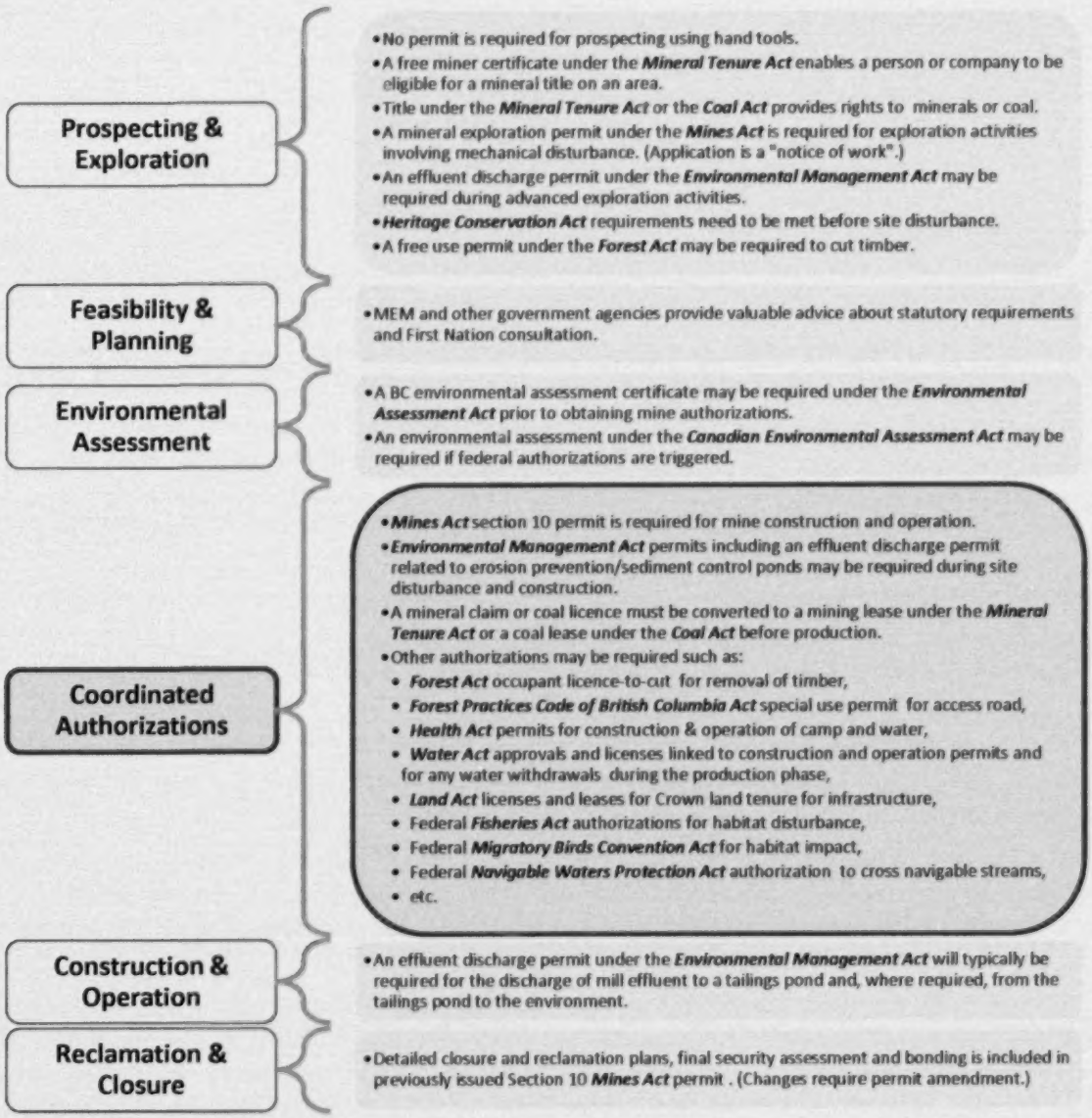
Prospecting & Exploration
•No permit is required for prospecting using hand tools.
•A free miner certificate under the Mineral Tenure Act enables a person or company to be eligible for a mineral title on an area.
•Title under the Mineral Tenure Act or the Coal Act provides rights to minerals or coal.
•A mineral exploration permit under the Mines Act is required for exploration activities involving mechanical disturbance. (Application is a "notice of work".)
•An effluent discharge permit under the Environmental Management Act may be required during advanced exploration activities.
•Heritage Conservation Act requirements need to be met before site disturbance.
•A free use permit under the Forest Act may be required to cut timber.
Feasibility & Planning
•MEM and other government agencies provide valuable advice about statutory requirements and First Nation consultation.
Environmental Assessment
•A BC environmental assessment certificate may be required under the Environmental Assessment Act prior to obtaining mine authorizations.
•An environmental assessment under the Canadian Environmental Assessment Act may be required if federal authorizations are triggered.
Coordinated Authorizations
•Mines Act section 10 permit is required for mine construction and operation.
•Environmental Management Act permits including an effluent discharge permit related to erosion prevention/sediment control ponds may be required during site disturbance and construction.
•A mineral claim or coal licence must be converted to a mining lease under the Mineral Tenure Act or a coal lease under the Coal Act before production.
•Other authorizations may be required such as:
• Forest Act occupant licence-to-cut for removal of timber,
• Forest Practices Code of British Columbia Act special use permit for access road,
• Health Act permits for construction & operation of camp and water,
• Water Act approvals and licenses linked to construction and operation permits and for any water withdrawals during the production phase,
• Land Act licenses and leases for Crown land tenure for infrastructure,
• Federal Fisheries Act authorizations for habitat disturbance,
• Federal Migratory Birds Convention Act for habitat impact,
• Federal Navigable Waters Protection Act authorization to cross navigable streams,
• etc.
Construction & Operation
•An effluent discharge permit under the Environmental Management Act will typically be required for the discharge of mill effluent to a tailings pond and, where required, from the tailings pond to the environment.
Reclamation & Closure
•Detailed closure and reclamation plans, final security assessment and bonding is included in previously issued Section 10 Mines Act permit . (Changes require permit amendment.)

Figure 3 – Regulatory Framework for Major Mines

2.2 Essential Authorizations for Work on a Mine Site

2.2.1 Mines Act Permit

The Chief Inspector of Mines is the senior statutory decision maker for all mines in the province under the authority of the *Mines Act* and Code. Under Section 10 of the *Mines Act*, the owner, agent or manager of a mine must hold a permit issued by the Chief Inspector before starting any work in, on or about the mine.

2.2.2 Mine Tenure

Mine tenure provides the right of access to explore for, develop and remove mineral or coal resources. The Mineral Titles office of MEM administers the *Mineral Tenure Act* and the *Coal Act*, and manages the recording system for the acquisition and maintenance of mineral and coal tenures in BC.

Under the *Mineral Tenure Act*, a mineral claim must be converted to a mining lease for any production exceeding 1,000 tonnes of ore per year from each unit or cell.

Under the *Coal Act*, production of coal from a coal license is limited to a single 100,000 tonne sample for testing purposes. Coal licenses must be converted to coal leases for production above the limit.

2.2.3 Environmental Management Act Effluent Discharge Permit

In addition to the *Mines Act* permit, a permit to discharge effluent under the *Environmental Management Act* is an essential authorization for any activity on a mine that could result in a discharge to the environment. A permit authorizes the discharge of wastes from the mining activity to the environment and sets the terms and conditions under which the discharge may occur so that pollution is prevented. The terms and conditions include limiting the quantity and quality of waste contaminants, monitoring the discharge and the receiving environment, and reporting information to MOE. Permits are ongoing authorizations and may be amended, transferred to other dischargers, suspended or cancelled.

The *Environmental Management Act* permit application can seek authorization for a major mine's construction stage (erosion and sediment control) and the operations stage (metal and chemical residues, contact water and tailings). Alternatively, a mine proponent may opt for a phased approach by only seeking authorization for the

construction stage and deferring authorization for the operations stage until engineering is sufficiently detailed.

2.3 Notification Requirements Under the Mines Act and Environmental Management Act

Applicants for a *Mines Act* permit are subject to a legal requirement to advertise project proposals upon submission of the application and make information available for public review, with 30 days available for public review and comment. [Part 10.2.1 and 10.2.2 of the Code]

The Public Notification Regulation under the *Environmental Management Act* places certain notification responsibilities on an applicant for an effluent discharge permit. The regulation is available on the Internet at http://www.bclaws.ca/.

2.4 Other Provincial and Federal Authorizations

Other authorizations typically required in order to carry out site preparation (such as clearing and grubbing), construction and operational activities for the mine site area will vary depending on the project. As well, authorizations are normally required for mine-related activities and infrastructure off the mine tenure as well. For example, *Land Act* tenure and associated authorizations are required for transmission lines and a Special Use Permit under the *Forest Practices Code of British Columbia Act – Provincial Forest Use Regulation* and associated authorizations are required for access road development on Crown land off mineral and coal tenures.

Regulatory authorizations that may be required for a major mine will vary depending on the project, and may include but not be limited to:

- *Heritage Conservation Act* requirements;
- *Forest Act* occupant license-to-cut for removal of timber;
- Special Use permit under the Provincial Forest Use Regulation of the *Forest Practices Code of British Columbia Act* for access road construction off a mineral claim and within a Provincial Forest;
- *Health Act* Industrial Camp Regulation permits for construction and operation of camp facilities and potable water;
- *Water Act* approvals and licenses for changes in or about a stream or to store, use or divert water;
- *Land Act* licenses and leases for infrastructure such as aggregate borrow pits and power lines off mining tenures; and
- Federal authorizations related to:

- *Fisheries Act* Section 35 for habitat alteration, disruption or destruction;
- Schedule 2 of the Metal Mine Effluent Regulation of the *Fisheries Act* for approval to discharge deleterious material into a fish bearing habitat;
- *Migratory Birds Convention Act* and its regulations for impacts on habitat of migratory birds;
- *Navigable Waters Protection Act* for authorization to cross a navigable stream; and
- *Explosives Act* for manufacture and storage of explosives.

Some legislation has requirements to be addressed although no authorizations (permits) are involved such as:

- *Species at Risk Act*, and the Canada – British Columbia Agreement on Species at Risk (2005); and
- *Fisheries Act* - Metal Mining Effluent Regulations.

2.5 Relationship to Other Processes

2.5.1 Regional Mine Development Review Committees

Under Section 9 of the *Mines Act*, the Chief Inspector of Mines has established standing regional MDRCs to review applications for mine approvals and permits referred to them by the Chief Inspector. Under Section 10.3.2 of the Code, the MDRC must review every application for a *Mines Act* permit and make recommendations to the Chief Inspector within 60 days following application.

In the context of the coordinated authorizations process and project-specific MRCs, these standing committees provide a single interagency venue for prospective major mine proponents who may enter the coordinated authorization process to engage in early pre-application discussions with NRS agencies on the process, general information requirements, responsibilities of all parties and next steps. MDRCs can then provide advice to the Chief Inspector of Mines on when to consider referring the project to the coordinated authorization process and a project-specific MRC. The standing MDRCs also provide a single NRS interagency venue for follow-up and monitoring of projects during the operations, closure and post closure stages of a mine, including reviewing reclamation and closure plans and advising the Chief Inspector of Mines on the process to review major mine permit amendment applications.

For major mines the project-specific MRCs established for the coordinated authorizations process satisfy the requirement for establishing a review committee under Section 9 of the *Mines Act* for specific projects. The standing regional MDRCs can, however, continue to provide an important role as a venue for interagency review of permit applications

referred to them by the Chief Inspector of Mines for mine operations such as placer mines, sand and gravel pits, rock quarries, industrial mineral quarries and bulk samples.

2.5.2 Land Use Planning

Provincial land use plans provide the framework and context for setting environmental, social, land use and resource management goals and objectives on Crown land. For some authorizations, land use plans establish legal objectives and policy that decision-makers must consider. Land use plans may also describe considerations relevant to engagement with First Nations and may be the basis for First Nations involvement in the authorizations process. As such, land use plans inform the authorizations process.

2.5.3 BC Environmental Assessment Process

British Columbia's environmental assessment process addresses strategic issues with proposed major mine projects while the project is still at the conceptual stage. If a project is reviewable under the *Environmental Assessment Act*, a proponent must obtain an environmental assessment certificate before authorizations can be issued for the project. The environmental assessment certificate may have conditions which need to be addressed in applications for authorizations and in any associated permits or licences.

A major mine project can become reviewable under the *Environmental Assessment Act* if:

- a project meets certain thresholds such as production volume specified in the Reviewable Projects Regulation;
- the Minister of Environment orders the designation of a project as reviewable even though a project does not constitute a reviewable project under the regulations; or
- a proponent requests that the EAO consider designating its project (that otherwise would not be reviewable) as a reviewable project, and the EAO agrees with and orders such a designation.

2.5.3.1 Concurrent Approval Regulation

The *Environmental Assessment Act* Concurrent Approval Regulation allows a proponent of a reviewable major mine project to apply for concurrent review of applications for other provincial authorizations while undergoing environmental assessment. The Concurrent Approval Regulation imposes timelines on the review of applications but the authorization decision and timeline remains the responsibility of the SDM for that authorization. The strategic level of information and assessment typically required for the environmental assessment process will usually not be at a sufficient level of detail to fully satisfy the information and assessment requirements for development level authorizations. Proponents who opt for concurrent permitting must therefore be

prepared to invest in detailed permit-level mine planning and design before the project has been approved-in-principle by the issuance of an environmental assessment certificate.

Unless otherwise determined in consultation with the EAO, the coordinated authorizations process described in this guide does not apply to applications for authorizations made under the Concurrent Approval Regulation.

The EAO is an independent office that manages the assessment of proposed major projects in British Columbia as required by the *Environmental Assessment Act*. For more information about the environmental assessment process, refer to the EAO User Guide and other information on the EAO website: www.eao.gov.bc.ca

2.5.4 Canadian Environmental Assessment Process

The *Canadian Environmental Assessment Act, 2012* applies to any mine project that is captured by the Regulations Designating Physical Activities. The proponent of such a project is required to submit a project description to the Canadian Environmental Assessment Agency, who determines if a federal environmental assessment is required based on the potential for environmental effects in areas of federal jurisdiction. If a federal environmental assessment is required for a mine project, the assessment is undertaken by the Canadian Environmental Assessment Agency.

The federal Minister of the Environment may also designate a project not identified in regulations if there is the potential for environmental effects in areas of federal jurisdiction or if there are public concerns about such environmental effects.

The *Canadian Environmental Assessment Act, 2012* describes two different types of federal environmental assessment that may be required:

- a standard environmental assessment, focused on potential adverse environmental effects that are within federal jurisdiction; or
- an environmental assessment by a review panel of experts, ordered by the federal Minister of Environment. A joint review panel may also be established with another jurisdiction such as a province.

The *Canadian Environmental Assessment Act, 2012* establishes timelines for the government to complete its work. It also includes new provisions related to the federal decision statement, compliance and enforcement mechanisms and follow-up programs.

The Canadian Environmental Assessment Agency coordinates the federal government's First Nations consultation activities during the environmental assessment process.

In the past, BC's EAO has signed delegation and equivalency agreements with the Canadian Environmental Assessment Agency on a project by project basis. More recently, the EAO has signed an overarching substitution agreement with the federal government

to harmonize efforts and minimize duplication. The agreement allows the federal Minister of Environment to recommend that a designated project be exempted from the *Canadian Environmental Assessment Act, 2012* where a provincial review process meets all of the conditions for substitution of a process. If substitution is granted, the federal Minister must still make a final environmental assessment decision based on the outcome of the substituted process.

More information is available at: http:/www.ceaa.gc.ca

2.5.5 Strategic Agreements with First Nations

The Province of British Columbia is committed to establishing processes and institutions for shared decision-making about the land and resources and for revenue and benefit sharing with First Nations. Members of the MRCs and their FLNRO First Nations Advisors should be aware of the two types of agreements currently negotiated with First Nations which may apply to a major mine project: Shared Decision Making Agreements and Revenue Sharing Agreements.

There are two types of Shared Decision Making Agreements:

- Strategic Engagement Agreements

  Strategic Engagement Agreements establish a government to government forum to consolidate engagement between the Province and a First Nations group, and also establish a mutually designed comprehensive consultation process with the First Nation.

- Reconciliation Agreements

  Reconciliation Agreements pursue broad reconciliation objectives with First Nations including commitments to pursue resource revenue sharing, economic development opportunities and socio-cultural initiatives.

As well, there are Economic and Community Development Agreements which are revenue sharing agreements that provide a share of mining tax revenue to First Nations and ensure First Nations support for a new mine or mine expansion. These agreements also establish a consultation process for the project.

These reconciliation tools are designed to support economic development by enhancing certainty regarding land and resource decision making.

THE COORDINATED AUTHORIZATIONS PROCESS

3.1 INITIATING THE COORDINATED AUTHORIZATIONS PROCESS

The initiation of a major mine review differs from other natural resource major project reviews because of the key roles of the Chief Inspector of Mines in working with major mine proponents and in the legal authority to establish advisory committees for the review of *Mines Act* permit applications. The 2013 Memorandum of Understanding between MEM and FLNRO defines the coordinated authorizations process as the process followed to coordinate the review of all natural resource sector authorizations and to harmonize First Nations consultation for new or expanding major mines and some regional mines. Under the memorandum, the Chief Inspector of Mines may establish project-specific MRCs managed by FLNRO to coordinate the review of proposed new major mines or large expansions of major mines.

For the purposes of the coordinated authorizations process, a major mine refers to any new or existing coal or metal mine which requires multiple authorizations and which has been referred to the coordinated authorizations process by the Chief Inspector of Mines or a delegated Chief Inspector. There are three different routes for a major coal or metal mine project to come into the coordinated authorizations process:

- a new major mine project proceeding from the provincial environmental assessment process under the *Environmental Assessment Act*;
- a new major mine project that is non-reviewable under the *Environmental Assessment Act*; or
- a major mine project that is an extension, expansion or re-start requiring multiple authorization amendments.

The following steps need to occur prior to the coordinated authorizations process:

1) As primary contact and initial point of intake for major mine permit applications, the Chief Inspector of Mines will provide early information and advice to the proponent as appropriate, through the Chief Inspector's office or standing regional MDRCs.
2) Through feasibility studies and project planning, the proponent will decide whether and when to seek mine approvals.
3) The EAO will determine if the major mine project is reviewable under the *Environmental Assessment Act*.
4) The Chief Inspector will consult with the regional MDRC and FLNRO to assess whether and when a major mine project has advanced to a stage that requires a coordinated authorizations process.

5) FLNRO will assign a project manager and First Nations consultation advisor as early as possible in project planning to prepare for and manage the coordinated authorizations process for the major mine project.

Figure 4 – Review Processes for Major Mines, places the coordinated authorizations process in the context of the CIM's involvement and the environmental assessment(s).

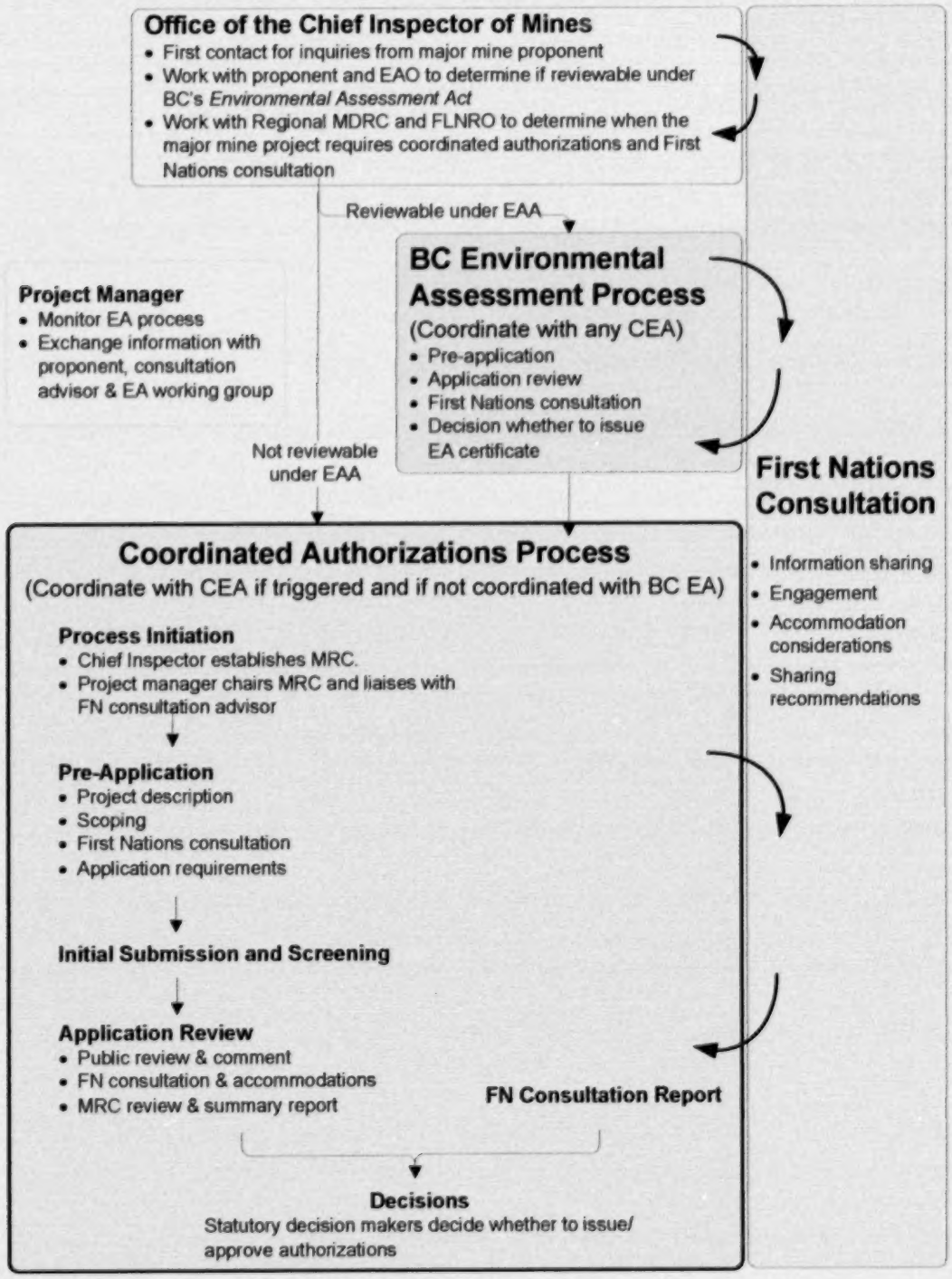
Office of the Chief Inspector of Mines
• First contact for inquiries from major mine proponent
• Work with proponent and EAO to determine if reviewable under BC's Environmental Assessment Act
• Work with Regional MDRC and FLNRO to determine when the major mine project requires coordinated authorizations and First Nations consultation
Reviewable under EAA
BC Environmental Assessment Process
(Coordinate with any CEA)
• Pre-application
• Application review
• First Nations consultation
• Decision whether to issue EA certificate
Project Manager
• Monitor EA process
• Exchange information with proponent, consultation advisor & EA working group
Not reviewable under EAA
First Nations Consultation
• Information sharing
• Engagement
• Accommodation considerations
• Sharing recommendations
Coordinated Authorizations Process
(Coordinate with CEA if triggered and if not coordinated with BC EA)
Process Initiation
• Chief Inspector establishes MRC.
• Project manager chairs MRC and liaises with FN consultation advisor
Pre-Application
• Project description
• Scoping
• First Nations consultation
• Application requirements
Initial Submission and Screening
Application Review
• Public review & comment
• FN consultation & accommodations
• MRC review & summary report
FN Consultation Report
Decisions
Statutory decision makers decide whether to issue/ approve authorizations

Figure 4 – Review Processes for Major Mines

3.2 Establishing a Project-Specific Mine Review Committee

The MRC is the primary forum for the coordinated authorizations process. Each major mine project will have a project-specific MRC formed to conduct the coordinated review. As discussed below, members may be drawn from a standing regional interagency committee but the terms of reference and full membership list will be particular to a project-specific MRC.

The MRC will be established for the major mine by the Chief Inspector of Mines, in consultation with FLNRO. As illustrated in Figure 4, the MRC is established well before the proponent submits applications. The MRC is very active during the pre-application stage described in section 3.4.1.

3.2.1 Mine Review Committee Terms of Reference

Each major mine project proceeding through the coordinated authorizations process will require a project-specific MRC terms of reference to identify the participants and determine their roles and responsibilities. Section 4.3.1 contains a MDRC terms of reference template that can be tailored to each major mine project by the project manager.

The draft terms of reference should include the goal, objectives and deliverables for the MRC. For example:

The **goal** of the MRC is to foster socially and environmentally responsible mining developments by providing an open, transparent, efficient and timely approach for the review and permitting of proposed major mine projects.

The **objectives** of the MRC include the coordination of a multi-agency mine review process, ensuring opportunities for First Nations to fully participate, meeting requirements for statutory public consultation, and providing recommendations to statutory decision-makers on applications referred to them. The objectives also include:

- assisting in First Nations information exchange, consultation and, where appropriate, accommodation through addressing of technical issues, in order to increase the efficiency and effectiveness of the project review as a whole;
- ensuring efficient use of provincial resources by reducing duplication and inefficiencies of multiple permitting processes and time lines;
- ensuring that informed and durable decisions are made in a timely and coordinated fashion in consideration of the proposed project as a whole;
- minimizing risk to the Province associated with authorization of individual activities in advance of a comprehensive review of the project; and
- striving for well integrated service and delivery within and across regions.

Project deliverables for the MRC will include:

- the list of permit applications to be applied for as a bundle;
- a proponent-developed project description;
- application requirements for the authorization applications to be bundled; addressing the issues raised during review of the project description;
- a summary report to statutory decision-makers;
- a First Nations consultation report; and
- a record of transactions and meetings held throughout the pre-application and application review stages.

3.2.2 Mine Review Committee Membership

The MRC is chaired by the project manager assigned to the major mine project. Members of the committees will be confirmed by the project manager, in consultation with natural resource agencies with a potential interest in the project.

Ministries or agencies with a legislated or policy mandate regarding the mining industry or the land or resources potentially impacted by mining are invited to participate on the project-specific MRC. Representatives from these agencies should be able to provide technical advice on mine project applications related to their own regulatory requirements, and should also be able to seek senior policy advice on an as-needed basis.

In order to maintain a workable MRC with respect to establishing meeting dates, providing meeting venues and minimizing costs, the MRC membership should be divided into standing members and technical advisors. Standing members represent the SDMs or policy mandates, while technical advisors provide technical advice. The MRC may draw members from a standing regional MDRC but will also have additional members specific to the major mine project.

Local and federal governments and potentially affected First Nations are also invited to participate as standing members on a project MRC. Membership may vary depending on the issues and responsibilities of agencies or First Nations in different regions.

Overall membership on a MRC may include but not be limited to technical representatives of:

- First Nations
- MEM
- MOE
- Ministry of Agriculture
- FLNRO
- Ministry of Transportation and Infrastructure
- MARR

- Local Governments
- Regional Health Authorities
- BC EAO

A successful multi-agency review includes understanding and addressing issues raised by federal agencies with statutory or policy mandates in a mine project review. Federal agencies such as the following will be invited to sit as members of a project-specific MRC:

- Environment Canada (including the Canadian Wildlife Service)
- Department of Fisheries and Oceans (including the Canadian Coast Guard for navigable waters issues)

Federal agencies are encouraged to work with the project manager and mine proponent early in the pre-application stage to identify the potential for federal interests and requirements such as federal authorizations or an environmental assessment under the *Canadian Environmental Assessment Act*. (Refer to section 2.5.4 above).

Other ministries or agencies may be invited to participate on an as needed basis. For example, representatives from trans-border jurisdictions, which may be affected by mining proposals, may be invited to participate within current government protocols and Memoranda of Understanding with neighbouring jurisdictions.

3.2.3 Relationship of Proponents and Others to Mine Review Committee

Mine project proponents are not standing members of a MRC; however, they should be expected to participate in the work of the MRC when and where required. Proponent participation includes attending committee meetings when invited by the project manager. Proponents may be asked to provide project planning updates, explain details in the application, listen to committee comments on the application, and provide responses to questions.

At the discretion of the project manager and on advice from the MRC, members of the public may also be invited to attend meetings to make presentations, provide information and ask questions of government and the proponent. Although they do not sit as members of the committee, the public will have other opportunities to provide input such as participating in open houses and other public forums arranged by the proponent and/or the committee, and by reviewing the application and submitting comments to the project manager during the public comment period. The interests of the public are also represented by local government participation on the committee.

3.2.4 Mine Review Committee Administration

The project manager will work with committee members and the proponent to ensure early understanding of the coordinated authorizations process and procedures.

The project manager is responsible for:

- ensuring that the MRC membership list is kept up-to-date, with current electronic and mail addresses to enable efficient and timely distribution of materials, notices of meetings and general communication;
- working with those MRC members with non-statutory interests relevant to a project review, to identify issues to be addressed and to incorporate them into the review;
- keeping committee meetings on track and ensuring that issues raised by the MRC are relevant to the project and consistent with current public policy and regulatory requirements;
- establishing MRC meeting dates that are, to the extent possible, acceptable to committee members, keeping in mind the priority government has placed on efficient, streamlined and timely completion of mine project reviews;
- ensuring that MRC members are provided with all relevant review material and a reasonable time for review and comment;
- taking minutes of all committee and sub-committee meetings and, once finalized, providing the minutes to all participants. (See section 4.2.1 for guidance on meeting records);
- tracking issues and responses (see section 4.2.2 for guidance on tracking project issues); and
- utilizing, to the extent possible, electronic means and web-based access for the distribution of information and material, with the proponent responsible for the distribution of the application and related material.

3.3 Roles and Authorities

3.3.1 Chief Inspector of Mines

The Chief Inspector of Mines is the senior statutory decision-maker for all mines in BC, and is the primary contact for major mine permits. The Chief Inspector is also the initial point of intake for applications for major mine permits and permit amendments.

The Chief Inspector of Mines has a statutory authority and obligation under Section 9 of the *Mines Act* to establish a regional advisory committee to review applications for *Mines Act* permits. Under the Memorandum of Understanding between MEM and FLNRO, the Chief Inspector also has the authority to establish a project-specific MRC in collaboration

with FLNRO once a major mine project advances to a stage that requires coordination of multiple authorizations, and to request that FLNRO chair the MRC. The MRCs satisfy the requirement under Section 9 of the *Mines Act* to act as regional advisory committees specific to the major mine project under review.

3.3.2 Project Manager

- FLNRO assigns a project manager to a major mine project to lead and manage a project-specific MRC. Under the 2013 Memorandum of Understanding between MEM and FLNRO, the project manager provides Coordinated Authorization Process team leadership and management for major mines as outlined in this guide;
- develops and implements appropriate project management tools to plan, track and produce reports for major mine project reviews;
- chairs the MRC as requested by the Chief Inspector of Mines (in consultation with Regional Executive Directors); and
- prepares summary packages, including the First Nations consultation summary, for consideration by the statutory decision maker for assigned projects.

The project manager plays an active role in facilitating the work of the MRC by managing the process, the issues, information requirements and communications between the committee members and the proponent, with an objective of minimizing the time taken to complete the pre-application and application review stages of the process and ensuring that every issue is either addressed in the MRC or referred to the appropriate authority.

The project manager also ensures that the overall MRC process is managed in a fair, open and transparent manner, and that the MRC strives to meet legislated time limits where applicable.

3.3.3 First Nations Consultation Advisor

FLNRO assigns a First Nations consultation advisor to the major mine project. Under the Memorandum of Understanding, the First Nations consultation advisor will:

- undertake consultation activities once provided with an information package that meets an agreed upon standard;
- when not provided by the project manager, provide statutory decision-maker with a consultation summary and advice; and

- provide statutory decision-maker with an assessment of First Nations consultation compliance with *Updated Procedures for Meeting Legal Obligations when Consulting First Nations* or any other agreement between the MARR and First Nations that outlines consultation obligations.

3.3.4 Project-Specific Mine Review Committee

The project-specific MRC is the overarching committee where application requirements are determined for a specific major mine and where the application technical review takes place.

Although First Nations consultation activities continue from earlier stages (i.e. exploration and environmental assessment), the MRC is an important venue that contributes to the Crown's legal responsibility to consult and where appropriate, accommodate aboriginal interests.

Members of the MRC include representatives of statutory decision-makers as well as technical advisors of provincial and federal government agencies, representatives of local governments and invited First Nations. The project manager appointed by FLNRO chairs the committee and manages the review process.

The MRC supports the coordinated authorizations process by:

- coordinating the pre-application stage of the coordinated authorizations process once the project has been referred to the project-specific committee, to assist the proponent in preparing a package of applications that is ready for review and decisions;
- working cooperatively with the proponent, government agencies, First Nations and communities to enable a coordinated technical review of multiple authorizations required for the major mine project; and
- providing a forum for participating members to consider the proposed major mine project as a whole while reviewing individual authorizations.

The MRC fulfills the requirement for a regional advisory committee to the Chief Inspector of Mines established under Section 9 of the *Mines Act* and is therefore subject to Section 10.3.2 of the Code, which requires that the committee must review an application for a *Mines Act* permit referred to them by the Chief Inspector and make recommendations to the Chief Inspector within 60 days of receiving the application. The 60-day timeline for review of a *Mines Act* permit application only begins once an acceptable application is referred to the MRC by the Chief Inspector, and it only applies to the MRC's technical review and submission of recommendations. The 60-day limit does not apply to First Nations consultations or to decision-making and permit issuance.

The MRC is the venue where technical, non-technical and other public policy issues related to the development of the proposed project can be identified. Issues identified by the MRC or brought to the MRC will be addressed to the extent allowed by the scope of the authorizations under review. (e.g. potential impacts to values may be mitigated by changes in project plans). As chair of the MRC, the project manager will ensure that issues beyond the scope of the authorizations will be noted and referred to an appropriate authority.

Project proponents can work directly with the regulatory agencies to address specific technical issues, so long as the deliberations and outcomes are shared with and explained to the MRC members. Sub-committees of the MRC may be established to address issues or technical concepts which are relevant to more than one agency but do not require the participation of the entire MRC. The purpose, tasks, membership and timelines of any sub-committees will be developed and agreed to by the MRC members. If endorsed by the MRC, a sub-committee can include members from outside of the MRC membership.

Any sub-committees report back to the MRC. The sub-committees must be open and transparent, based on the principle of total disclosure to the MRC and are chaired by the project manager representing the MDRC.

3.3.5 Regional Mine Development Review Committee

Regional MDRCs support the coordinated authorizations process by providing a single window interagency venue for prospective major mine proponents, who may enter the coordinated authorization process, to establish communication with NRS ministries for early outreach and pre-application discussions prior to the Chief Inspector of Mines making a decision on referring the project to a project-specific MRC. As well, the MDRCs provide a venue for coordinating the review of permit amendment applications, reclamation and closure plans and follow-up and monitoring programs during the operations, closure and post-closure stages of a mine project.

3.3.6 First Nations

First Nations have potential roles in three settings:

1) participating as members of the MRC to address technical issues;
2) consulting with the provincial government regarding aboriginal interests; and
3) sharing information and engaging with the proponent.

Potentially affected First Nations are invited to sit as MRC members for a major mine proposed within their traditional territories. The role of First Nations representatives as members of a MRC includes:

- representing the interests of their communities;

- identifying those communities and members of the communities that the proponent and government should contact and engage in order to seek advice on community interests and concerns;
- identifying First Nation interests and issues to be addressed in the proponent's applications for authorizations;
- assisting the mine proponent and government to understand First Nations concerns; and
- working with their communities, other committee members and the proponent to address issues.

Refer to sections 3.5.3 and 4.2.3 for guidance on First Nations consultation and accommodation.

3.3.7 PROPONENT

The proponent is not a member of the MRC but plays an essential role in the authorizations process by placing the project into the process, providing information and making key decisions on timing and sequencing, and participating in the work of the MRC.

The proponent for a major mine project is solely responsible for the business decisions regarding a major mine project, including:

- deciding whether the project is feasible, when to pursue mine approvals and whether the proponent has the resources and staff to participate in the assessment and authorizations review processes; and
- deciding which, if any, applications to bundle, in consultation with the MRC.

The above business decisions may entail considerations unrelated to the speed and cost of the process, such as the readiness of partners and stakeholders and status of financing.

In addition to business decisions, the proponent will be expected to support the coordinated authorizations process through:

- establishing relationships with First Nations and engaging in other procedural aspects of consultation as may be required;
- outreaching to government agencies and the public;
- collecting and distributing information;
- addressing issues raised by the MRC;
- submitting complete applications; and
- attending MRC meetings at the request of the project manager to provide updates and answer questions.

Applicants for a *Mines Act* permit are subject to a legal requirement to advertise project proposals and make information available for public review, with 30-days available for public review and comment.

Applicants for an effluent discharge permit will have advertising and public review requirements under the *Environmental Management Act*.

3.4 Stages of the Coordinated Authorizations Process

Figure 5 presents the four stages of the coordinated authorizations process.

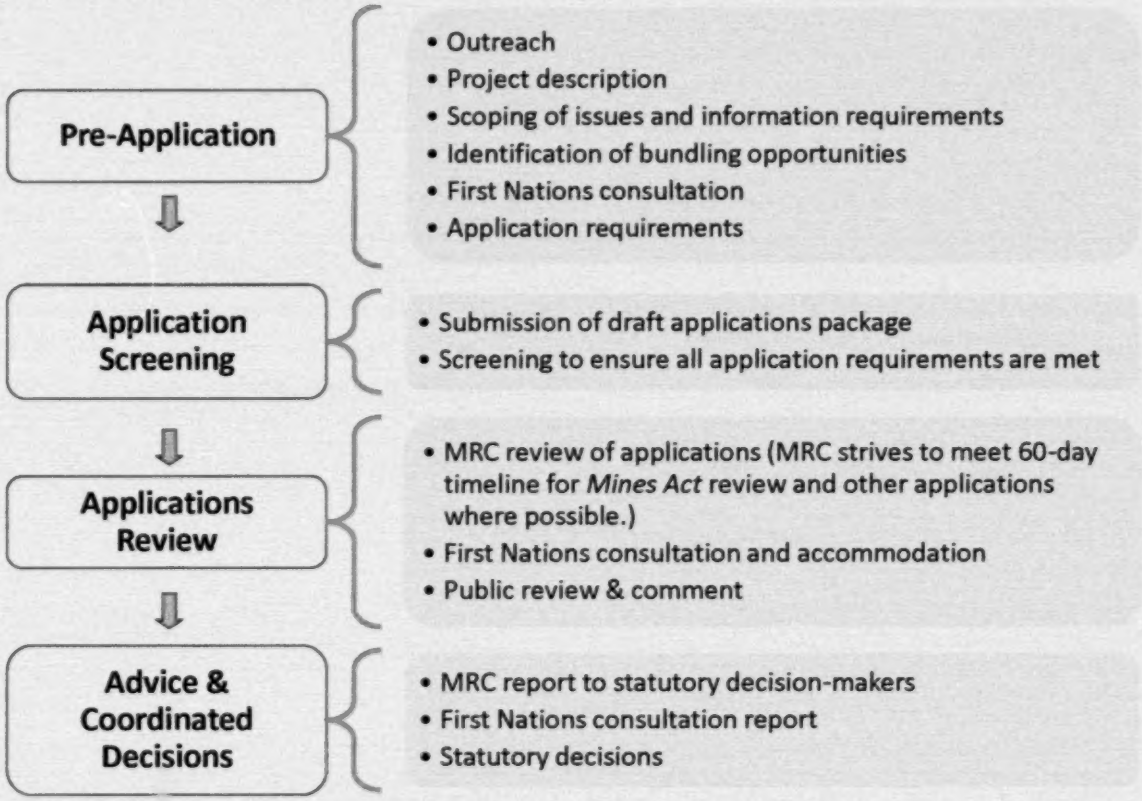
Pre-Application
• Outreach
• Project description
• Scoping of issues and information requirements
• Identification of bundling opportunities
• First Nations consultation
• Application requirements
Application Screening
• Submission of draft applications package
• Screening to ensure all application requirements are met
Applications Review
• MRC review of applications (MRC strives to meet 60-day timeline for *Mines Act* review and other applications where possible.)
• First Nations consultation and accommodation
• Public review & comment
Advice & Coordinated Decisions
• MRC report to statutory decision-makers
• First Nations consultation report
• Statutory decisions

Figure 5 – Coordinated Authorizations Process Overview

3.4.1 Pre-Application Stage

The pre-application stage is arguably the most important stage of the process, and requires a collaborative effort by the project-specific MRC participants, the First Nations consultation advisor and the proponent to support an efficient and timely process. There are no statutory timelines in the pre-application stage, and time spent ensuring that the review process is understood by all, that all required authorizations have been identified, and that identification and scoping of issues and information requirements have been

thoroughly discussed and agreed to by the MRC will greatly increase the certainty of an efficient and timely review.

3.4.1.1 Outreach

Once a major mine project has been referred to FLNRO by the Chief Inspector of Mines for review by a project-specific MRC, the project manager should begin outreaching to the natural resource agencies who may have an interest in the project, in order to identify the technical advisors who will form part of the review committee. As well, the project manager should strongly encourage the proponent to engage in early outreach to local, provincial and federal government agencies, local communities, and potentially affected First Nations (in consultation with the FLNRO First Nations consultation advisor).

Ideally, outreach should start well before the proponent enters the coordinated authorizations process, during advanced exploration, project planning and during the environmental assessment process should an environmental assessment precede the coordinated authorization process. In most cases, the initial contact by major mine proponents will be with the office of the Chief Inspector of Mines, who may refer the proponent to the Regional Director of MEM and the standing regional MDRC in the region of the project. The regional MDRC will engage in early outreach and pre-application conversations with proponents, and assist in the identification and scoping of issues and information requirements in advance of the coordinated authorizations process, providing a smooth transition from the regional MDRC to the project-specific MRC. The project manager, First Nations consultation advisor and MRC members should work with major mine proponents early in the pre-application stage and throughout the coordinated authorizations process to encourage proponent-sponsored outreach to the public and First Nations, to inform the public and provide the proponent with early identification of public issues and information requirements, and to initiate information sharing and develop relationships with affected First nations communities.

Early outreach work by the proponent working together with the project manager, MRC technical advisors, the public and First Nations at the outset of the project will assist in the identification and scoping of issues and information requirements and ensure a smoother project review process. Strong relationships, a collaborative information-gathering process and detailed understanding of the impacts and benefits of the project will give all parties greater confidence for moving forward.

3.4.1.2 Project Description

The project manager will ask the proponent to provide the project-specific MRC with a project description, providing enough proposed project development and related information to enable the MRC to:

- identify project components and activities both onsite and offsite;

- identify/confirm with the proponent the list of statutory authorizations to be reviewed by the MRC under the coordinated authorizations process, including any matters of federal interest;
- identify the baseline information requirements and impact assessment requirements to satisfy the authorization applications as well as any other issues within current public policy, and identify homes for addressing issues which may be outside the scope of statutory permit ability to address; and
- develop the engagement and consultation approach to meeting the government's duty to consult and accommodate First Nations.

The project description should be based on an understanding of the coordinated authorizations approach to bundling authorization applications to provide for efficient and effective consultation with First Nations and to enable a review of the project as a whole.

If the major mine proposal is proceeding from the provincial environmental assessment process, the proponent will have already prepared a project description that can be updated and expanded as necessary for the MRC.

A template for a project description can be downloaded from http://www.for.gov.bc.ca/major_projects/mining/

3.4.1.3 Scoping of Issues and Information Requirements

Environmental Assessment Conditions

If a major mine project is reviewable under the *Environmental Assessment Act*, the proponent must obtain an environmental assessment certificate before authorizations can be issued for the project. For the coordinated authorizations process, an environmental assessment certificate provides the framework for subsequent project authorizations. The MRC will therefore need to consider the information included in the environmental assessment certificate, including the Table of Conditions and Certified Project Description, when identifying and scoping issues to be addressed at permitting. As a result, information requirements for authorization applications cannot be determined with certainty prior to having the certificate in hand. Early discussion about the coordinated authorizations approach as well as proactive identification and collection of required baseline information by the mine proponent during the environmental assessment process can, however, help streamline the eventual review of applications for authorizations.

Issues and Information Requirements

At this stage, it is important to identify the list of authorizations including any federal authorizations that are required, and identify issues and application information

requirements for each authorization. As well, any provincial policy mandates to be addressed that are within the scope of review should be identified and, for those that are outside the MRC's scope, an explanation of why they are not to be considered and where in other processes they may be addressed should be provided.

Each statutory decision-maker or technical representative should identify the issues, baseline information requirements, advertising and consultation requirements and any other information that will assist the proponent to understand and meet the requirement for an application for authorizations. Through the project description and ongoing communication with the MRC, the proponent can also assist in identifying and scoping project-specific issues and potential impacts.

It is important at this stage for MRC members to be thorough in identifying issues and information requirements in order to minimize potential "scope creep", which results from the continual raising of new issues and information requirements that were not identified in the pre-application stage. This "changing of the goal posts" can make the meeting of timelines and provision of a fair review more challenging.

Federal agencies are encouraged to work with the project manager and mine proponent in the pre-application stage to identify the potential for federal interests and authorization requirements.

3.4.1.4 Determining Which Applications to Bundle

The MRC should work closely with the proponent in the pre-application stage to identify which permits, licenses and other authorizations can be effectively bundled in the coordinated authorizations process.

There is no need to promote the bundling of every application that will eventually be required. It can make sense to have a sequence of bundles of applications and possibly to leave some authorizations for stand-alone applications. One logical division will be those authorizations required for site preparation and construction and those that are required for operations. At the pre-construction stage, the proponent will likely not have the detailed information necessary for operational authorizations. For example, proponents may need to apply for *Environmental Management Act* authorizations for erosion prevention and sediment control during site preparation and construction before finalizing applications to authorize operational activities.

In addition to logistics and efficiencies in the authorization process and ground activities, proponents may have business considerations which will influence which applications to bundle. The MRC should respect the proponent's business considerations while encouraging the bundling of at least the *Mines Act* Section 10 permit and the *Environmental Management Act* effluent discharge permit, as well as any related authorizations required for access construction and site disturbance, such as a Special Use

Permit under the *Forest Practices Code of British Columbia Act* or Occupant Licence to Cut under the *Forest Act*.

Tenure conversions (replacement of mineral claim or coal licence with a mineral lease or coal lease) are essential authorizations that should be considered at the pre-application stage to ensure First Nations consultations are appropriately coordinated. The application for tenure conversion can be made separately, however, and not be included in a bundle of applications to be reviewed by the MRC.

3.4.1.5 Planning First Nations Consultation

First Nations consultation by the Province and engagement by the major mine proponent occurs throughout a mine's development, starting from the exploration stage. Planning for First Nations consultation at the coordinated authorizations stage will therefore be in the context of the previous consultations and the previous knowledge and relationships that the Province and the proponent have with the First Nations.

Under the 2013 Memorandum of Understanding between MEM and FLNRO, FLNRO is responsible for the delivery of the procedural aspects of First Nations consultation on Major mine authorizations. The First Nations consultation advisor assigned to the major mine coordinated authorizations process by FLNRO is therefore responsible for the development and implementation of a project-specific First Nations consultation program. Working with the project manager, the MRC and the proponent as appropriate, the First Nations consultation advisor will engage with potentially affected First Nations to develop and agree upon an approach for consultation.

It is important to outreach to all First Nations with aboriginal interests in the proposed project areas. Although potentially affected First Nations are invited to sit as full members of the MRCs during project reviews, some may choose not to participate on the MRC and/or other engagement activities. Irrespective of a First Nation's decision on participation, statutory decision-makers will still need to fulfill the Crown's legal responsibility to consult and, where appropriate, accommodate First Nations.

Depending on issues raised by First Nations, a government to government forum may need to be utilized. The purpose of referring issues to such a forum will be to address concerns or issues related to aboriginal interests that are not able to be resolved in the MRC and/or to consider potential accommodations that are outside the authority of the involved statutory decision-makers.

MARR will typically represent the Province in a government to government forum with an affected First Nation. The forum would not be a sub-committee of the MRC but would be encouraged to share information regarding consultation and accommodation on non-technical issues back to the MRC. The government to government forum can also inform the First Nations consultation record which is tracked by the First Nations consultation advisor. (Refer to 3.6.2 - First Nations Consultation Report)

3.4.1.6 Application Requirements

Following a review of the project description by the MRC, the project manager may ask the proponent to prepare and submit a draft application requirements document. The document will include a table of contents for the forthcoming bundle of applications and a description of the proposed type and level of information that will address identified issues and satisfy the information requirements for the statutory authorizations being applied for. After feedback from the MRC and revisions as necessary, the accepted application requirements document will guide the proponent in preparation of the applications package. It will also provide a means of screening the draft applications package to determine if it is sufficiently complete for a full review by the MRC.

3.4.2 Initial Submission and Screening Stage

After completing necessary baseline and assessment studies to adequately address identified issues and potential impacts, the proponent should submit a draft applications package that meets the application requirements identified in the pre-application stage.

Technical advisors to the SDMs for each authorization under application will, with the assistance of the project manager, then review and screen the draft application within a reasonable timeline; ideally within two weeks for most projects.

As noted above, the application requirements document developed by the proponent and accepted by the MRC members will assist in the screening of the draft application to ensure that it is complete and sufficient for a full review by the MRC. If the technical advisors on the MRC are satisfied with the applications package, the Chief Inspector of Mines will refer the completed *Mines Act* permit application to the MRC to review, initiating the 60-day review period for a *Mines Act* permit and concurrent review of the other authorization applications not under the legislated time limit. The MRC strives to complete a review of all applications submitted in a timely way.

3.5 Applications Review Stage

3.5.1 Review Initiation

The project manager should inform the proponent that the draft applications package for statutory authorizations has been screened and accepted for review. The proponent is responsible for distributing the final application and supporting documentation to MRC members and making it available to the public and other interest groups. Electronic distribution is encouraged where practicable and where it meets the needs of all reviewers.

3.5.2 Public Review and Comment

Applicants for a *Mines Act* permit are subject to a legal requirement to advertise project proposals upon submission of the application and make information available for public review, with 30-days available for public review and comment. As well, applicants for an effluent discharge permit under the *Environmental Management Act* are required to provide public notice of an application in accordance with the Public Notification Regulation, available at http://www.bclaws.ca/.

The project manager should provide direction to the proponent regarding the format and method of public notification, including opportunities to make a joint notification for the *Mines Act* and *Environmental Management Act* applications, and the requirement to make the applications available for review for a 30-day public comment period. The project manager together with the technical advisors for MEM and MOE are responsible for assessing the adequacy of public consultation programs. Although members of the public do not sit on the MRC, representatives of local governments in the project area are invited to sit as full committee members in order to represent the broad views of the public and to ensure that local and regional government programs and policies are taken into account in the project review. As well, individual members of the public and overlapping tenure holders have several opportunities to participate in the review of a mine project outside of the formal public review period, including:

- access to proponent-sponsored outreach to the public;
- notification by the proponent of the application under review, access to the application and related materials, and opportunities to review and comment;
- invitations to attend proponent-sponsored informational open-houses and public meetings organized in local communities during the application review timeline, at which the proponent explains the project, its potential for effects and proposed management plans, and where the public can ask questions and listen to proponent responses;
- opportunities to attend MRC meetings, on invitation by the project manager, to discuss concerns with committee members and the proponent; and
- access to finalized meeting minutes outlining the business of the MRC during a project review.

3.5.3 First Nations Consultation and Accommodation

Before issuing authorizations for any mining activity, the Province has a legal responsibility to consult and, where appropriate, accommodate First Nations with aboriginal interests in the proposed project area. The Province also has treaty-specific responsibilities where there are established treaty rights. The MRC's First Nations consultation advisor is responsible for leading and coordinating the consultation process.

Accommodation, where appropriate, can include a range of mitigation and environmental protection and management strategies developed by the MRC and any government to government forum. The two forums will ideally share information to ensure that issues and proposed accommodations are understood and that available options are considered. It may be possible to accommodate some technical issues in the government to government forum, and to accommodate some non-technical issues in the MRC through changes to authorization conditions, designs, management plans or monitoring plans. Accommodation recommendations can be developed through the entire review process but must be endorsed by the appropriate statutory decision-maker before the accommodation is offered to a First Nation.

The following is excerpted from the MARR webpage:
www.gov.bc.ca/arr/consultation/index.html.

The Province is legally obligated to consult and accommodate (where required) with First Nations on land and resource decisions that could impact their Aboriginal Interests.

When consulting, government officials are guided by the interim Updated Procedures for Meeting Legal Obligations When Consulting First Nations. These procedures provide a consistent and transparent process for provincial ministries and agencies, First Nations and proponents while safeguarding Aboriginal Interests in a manner consistent with the law. The procedures provide a baseline for government to meet its legal obligations. They do not replace or supersede the development of treaties, relationships, shared decision-making arrangements or other agreements.

The procedures were released in July 2010 as interim in order to review them with First Nations. To view the document, click on Updated Procedures for Meeting Legal Obligations When Consulting First Nations: Interim.

While the Province is responsible for ensuring adequate and appropriate consultation and accommodation, proponents can be involved in the procedural aspects of consultation by building relationships with First Nations and facilitating the exchange of information. Early outreach and information sharing at the exploration stage by the proponent during the review of permit applications by regional mines inspectors and regional MDRCs is important to establishing good working relationships with First Nations during the mine planning and application review stages. Proponent-driven initiatives such as modifying mine plans to minimize potential impacts, avoiding sensitive areas, developing mitigation strategies, carrying out environmental monitoring programs or developing benefit and other business agreements with First Nations can also contribute to the decision-making process.

Project proponents should be directed to the Guide to Involving Proponents When Consulting First Nations. This guide also provides operational guidance to decision makers and staff respecting the role of proponents in consultation.

To foster better relationships between business and First Nations, MARR has released a plain-language guide which provides practical advice on strategies to help businesses develop strong working relationships with First Nations and can be viewed at: Building Relationships with First Nations: Respecting Rights and Doing Good Business (English).

3.5.4 Technical Review by Mine Review Committee

The proponent should be asked to meet with the MRC early in the application review stage to summarize the content of the application and help kick-start the review. The MRC provides the interagency and First Nations venue for technical review of the applications and for information exchange and discussions among all MRC participants.

During the review period mine proponents should be encouraged to work directly with technical staff of individual statutory decision-makers to address specific technical issues where appropriate in the interest of efficiency and expediency. The proponent will be expected to address all issues within the scope of review before the final report of the committee is forwarded to statutory decision-makers.

The project manager must work with the MRC members and proponent to find homes for addressing any issues which are outside the scope of the statutory authorizations under review. The project manager must also ensure that any issues that cannot be addressed by the MRC are referred to an appropriate authority. The proponent can be invited to work with the MRC to develop proponent commitments that address issues that are within the scope of the review but that are not covered by statutory conditions.

Under Section 10.3.2 of the *Mines Act*, the MRC must strive to complete its technical review of the *Mines Act* permit application and provide recommendations to the Chief Inspector of Mines within 60 days of receiving the application. The 60-day timeline does not apply to other authorization applications, the First Nations consultation process, or to decision-making and permit issuance.

The goal of the project manager and other MRC members is to work collaboratively and strive to reach consensus and complete the application review stage in a timely manner.

3.6 Reports to Statutory Decision-Makers

3.6.1 Report of the Mine Review Committee

The MRC is an advisory committee to statutory decision-makers and does not have any decision-making authority. At the end of a MRC review of a major mine application, therefore, it is the project manager's responsibility to ensure that a report is prepared on behalf of the committee and submitted to the appropriate statutory decision-makers for

authorization decisions. It is important that this report fully document all aspects of the review and that the advice clearly reflect the position and views of all committee members, as well as the public and identified stakeholders.

The report of the committee must contain information on the review process undertaken to address each statutory requirement (including a summary of First Nations and public consultation), details of all of the issues raised and how they were addressed or if not, why not, and matters to be taken into consideration by each statutory decision-maker in making a decision.

It is recommended that the project manager refer to the templates in sections 4.3.4 and 4.3.5 of this guide. These sections have annotated tables of contents for the first two of the following circumstances:

- Recommendations Report for a New Major Mine, reviewed under EAA;
- Recommendations report for a Major Mine Extension; and
- Recommendations Report for a New Major Mine, non-reviewable under EAA.

A template for the last circumstance, a new major mine, non-reviewable under EAA, will be developed when such a project has been reviewed and can serve as an example.

3.6.2 First Nations Consultation Report

The First Nations consultation advisor for the MRC is responsible for preparing a detailed First Nations consultation report for statutory decision-makers, identifying First Nations interests and suggested mitigations, providing details of the consultation process, and providing an assessment of how the process satisfies the Province's legal obligations to consult and accommodate.

The Chief Inspector of Mines and delegates determine whether First Nations consultation and accommodation is adequate for the authorizations, based upon advice provided in the consultation report. The consultation report should also include a recommended method of tracking, implementing, monitoring and reporting.

3.6.3 Statutory Decisions

When making a decision on authorizations, it is prudent for statutory decision-makers to prepare a "Reasons for Decision" document outlining the factors taken into consideration in making the decision, including identifying any issues that were not addressed and explaining why they were not. It is the statutory decision-makers who draft the permit conditions; therefore, they may seek further advice and review from the MRC.

TOOLS AND REFERENCES

4.1 BACKGROUND

4.1.1 MINING BASICS

- *Life Cycle of a Mine* - a two-page overview available from http://www.amebc.ca/Home.aspx
- *Mineral Exploration and Mining Essentials* - a book and a course by Robert Stevens. http://miningessentials.com/Home_Page.php
- *Mining Dictionary* - online lookup on www.Infomine.com http://www.infomine.com/dictionary/
- Mine Map on MABC.com http://www.miningassociationbc.com/#

4.1.2 FLOW CHART: ENVIRONMENTAL ASSESSMENT – COORDINATED AUTHORIZATIONS

On the next page is a process flow chart for a major mine going through environmental assessment and coordinated authorizations presented in relation to mine development stages.

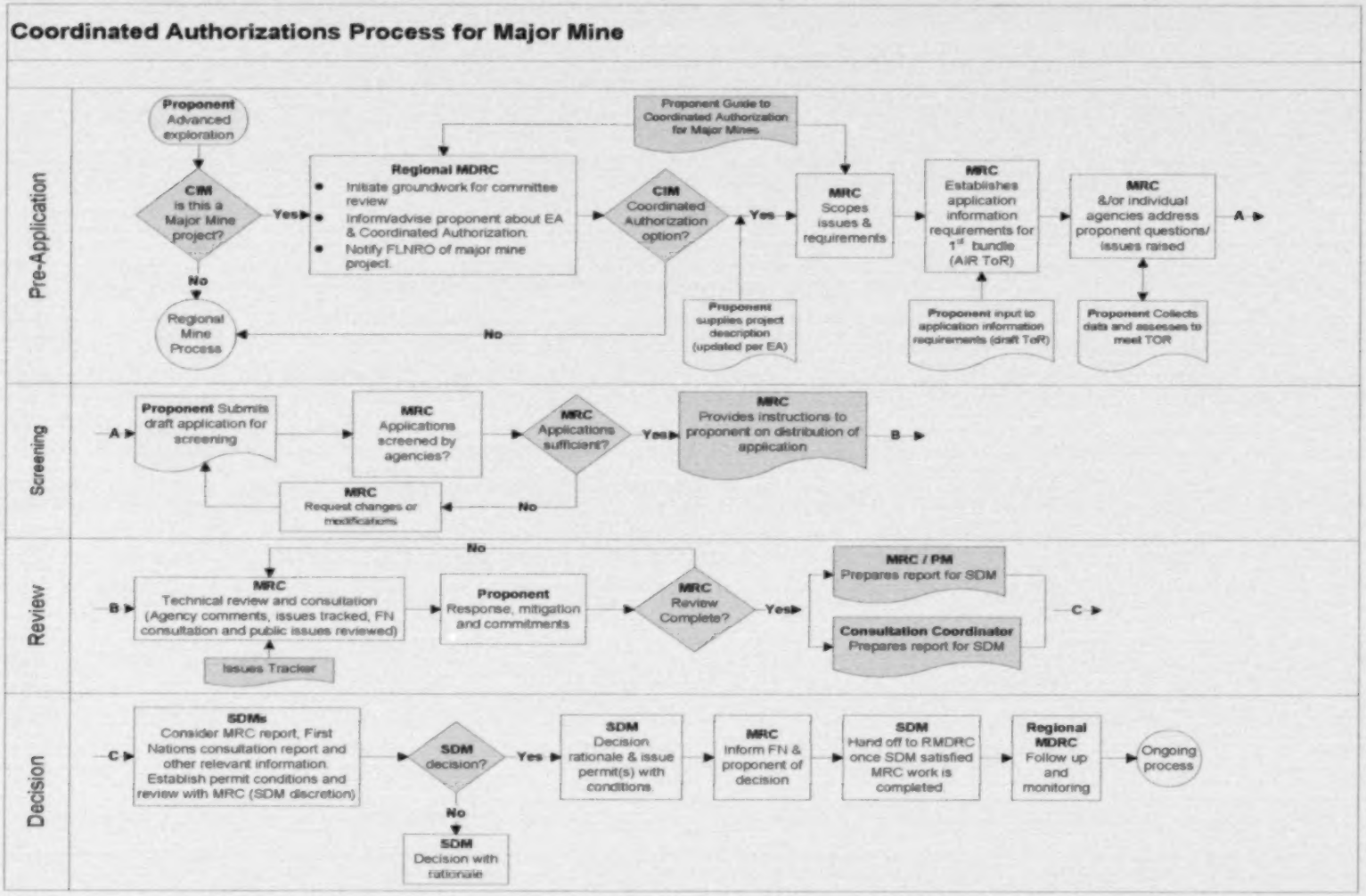
Coordinated Authorizations Process for Major Mine
Pre-Application
Screening
Review
Decision
Proponent Advanced exploration
CIM Is this a Major Mine project?
Yes
No
Regional Mine Process
Regional MDRC
Initiate groundwork for committee review
Inform/advise proponent about EA & Coordinated Authorization.
Notify FLNRO of major mine project.
Proponent Guide to Coordinated Authorization for Major Mines
CIM Coordinated Authorization option?
Yes
No
Proponent supplies project description (updated per EA)
MRC Scopes issues & requirements
MRC Establishes application information requirements for 1st bundle (AIR ToR)
Proponent input to application information requirements (draft ToR)
MRC &/or individual agencies address proponent questions/ issues raised
Proponent Collects data and assesses to meet TOR
A
A
Proponent Submits draft application for screening
MRC Applications screened by agencies?
MRC Applications sufficient?
Yes
MRC Provides instructions to proponent on distribution of application
B
MRC Request changes or modifications
No
No
B
MRC Technical review and consultation (Agency comments, issues tracked, FN consultation and public issues reviewed)
Issues Tracker
Proponent Response, mitigation and commitments
MRC Review Complete?
Yes
MRC / PM Prepares report for SDM
Consultation Coordinator Prepares report for SDM
C
C
SDMs Consider MRC report, First Nations consultation report and other relevant information. Establish permit conditions and review with MRC (SDM discretion)
SDM decision?
Yes
No
SDM Decision with rationale
SDM Decision rationale & issue permit(s) with conditions
MRC Inform FN & proponent of decision
SDM Hand off to RMDRC once SDM satisfied MRC work is completed
Regional MDRC Follow up and monitoring
Ongoing process

Figure 6 – Coordinated Authorizations Processes

4.2 Mine Review Committee Guidance

4.2.1 Mine Review Committee Meeting Records Guidance

The coordinated authorizations process for major mines typically involves numerous meetings of the MRC and any technical sub-committees. It is therefore very important that records of every meeting be prepared in order to document the discussions and outcomes of the meetings and assist with issue tracking. The following provides guidance on recording meeting notes and offers a sample template.

Generally, meeting notes should not provide a verbatim record of what was said during the meeting, but rather a summary of key discussion points which provides the context for action items and decisions made. Meeting notes should also provide details such as the date, time and venue of the meeting, the name, title and affiliation of all committee members and any guests (such as project proponents) attending the meeting, and the name of the Chair.

Tips

1) Before the meeting:
   a) Prepare an outline using the agenda as a base.
   b) Prepare a list of expected attendees.

1) During the meeting:
   a) Check off attendees as they arrive and add unexpected attendees to your list. A useful technique for keeping track of names is to draw a diagram of the meeting table with names of attendees.
   b) Summarize the discussions, ensuring that all recommendations, action items and decisions are well documented and highlighted.
   c) If necessary, ask for clarification on any action items or decisions so that they are recorded correctly, and record the name of the person associated with each action item or decision where applicable.
   d) Ask any presenters to provide copies of their presentations following the meeting, including any PowerPoint or slide presentations.
   e) Use whatever tools you are comfortable with to take notes.

2) After the meeting:
   a) Complete a draft of the meeting notes as soon as possible after the meeting.
   b) If a separate note-taker was used, review the notes with the Chair.
   c) Send out draft notes to all attendees for review and comment, with a deadline for response.
   d) Send out and file final notes after dealing with all the comments on the draft.

Suggested Template:

NAME OF COMMITTEE OR SUB-COMMITTEE
NAME OF MINE PROJECT
DATE AND VENUE OF MEETING

Meeting Notes

In Attendance:
Name, title and affiliation of each

Guests:
Name, title and affiliation of each

The meeting was called to order at _____.

Topic 1 – Subject

Introduce key topics from agenda, introduce any presenters, if presentation to follow, etc.

Sub-Topics

Identify each key area of discussion and summarize the discussion in point form.

Highlight any action items where required. For example:

Action Item: John Brown of BHPB to submit to MEM the planned engineering design for upgrades to the tailings facility.

Topic 2 – Subject

Sub-Topics

Etc., etc.

Summary and Next Steps

Summarize in bullet form

The meeting adjourned at _____.

Notes prepared by: _____
Date: _____
Attachments:

1) Summary of Action Items
2) Copies of Presentations
3) Other?

Summary of Action Items:

#	Action Item (see the meeting notes for full context)	Person Responsible	Date Required	Status

4.2.2 Mine Review Committee Issue Tracking Guidance

It is critical to the success of every major mine coordinated authorizations process that all issues that arise during the course of a project review are carefully tracked. These issues will typically be raised during meetings of the MRC and its related sub-committees and non-technical forums, but may also become apparent between meetings.

The type of issues identified during a major mine review will vary, and may include issues that are within public policy and subject to statutory authorizations, issues that are within public policy but without a statutory home, and issues that cannot be addressed at permitting. All of these issues should be identified and tracked and as appropriate, raised to a senior level of government for advice and direction. Non-technical First Nations issues may be referred via the consultation coordinator to a government to government forum and, as appropriate, raised to the appropriate level in government for advice and direction.

For major mine proposals that have come through the BC environmental assessment process, it is also important to track any conditions specified in an environmental assessment certificate and also any commitments made by project proponents during the environmental assessment process which are considered necessary to support statutory authorization decisions. These conditions and commitments should become part of the MRC issue tracking system.

Issue tracking methodologies may vary from project to project, but each should have the following key components in common:

- a description of the issue and who raised it;
- the specific authorization or authorizations that the issue relates to;
- the date the issue was raised;
- whose responsibility it is for responding to the issue;
- the project proponent's response to the issue, including any action items and commitments;
- the iterative chronology of information exchange and responses until the issue has been addressed or no further ability to address has been reached; and
- the status of the issue.

The most common tools for tracking issues are tables, which may be simple tables or computer spreadsheets. For large complex projects, spreadsheets provide the advantage of easily sorting the issues being tracked.

It is important that one person have responsibility for maintaining the issue tracking table – this will normally be the project manager. It is also important, however, that the entire project team be aware of the issue tracking methodology and that they ensure all potential issues are identified and tracked.

The following is an example of a simple MS Word table for issue tracking. In this example, the issues are organized according to subject, so that users of the table can find the status of a given issue at a glance and, as new issues arise under each subject, additional rows can be easily inserted.

Table 1 – Example Issue Tracking Table

No.	Issue/Author	Lead Agency/ Authorization	Date Entered	Responsibility	Proponent Response	Action/Commitments	Comments/ Status
Metal Leaching / Acid Rock Drainage Assessment							
1.	ML/ARD Prediction – need detailed geochem for all materials to be disturbed/J Smith	MEM/*Mines Act* Permit	Dec. 23, 2011	____ Tec Inc.	Need working group meeting with MEM staff to discuss methodology.	Detailed geochem description to be in application.	Working group meeting scheduled Jan. 5, 2012.
2.							
Fisheries and Aquatic Resources							
1.							
2.							
Reclamation Program (etc. etc.)							
1.							
2.							
Environmental Assessment Conditions & Commitments							
1.							

(etc. etc.)

4.2.3 Guidance for Consulting First Nations

The following is excerpted from the BC Ministry of Aboriginal Relations and Reconciliation (MARR) webpage: http://www.gov.bc.ca/arr/consultation/index.html The links will download documents from the MARR website.

Consulting First Nations

The Province is legally obligated to consult and accommodate (where required) First Nations on land and resource decisions that could impact their Aboriginal Interests.

When consulting, government officials are guided by the interim Updated Procedures for Meeting Legal Obligations When Consulting First Nations, dated May 7, 2010. These procedures provide a consistent and transparent process for provincial ministries and agencies, First Nations and proponents while safeguarding Aboriginal Interests in a manner consistent with the law. The procedures provide a baseline for government to meet its legal obligations. They do not replace or supersede the development of treaties, relationships, shared decision-making arrangements or other agreements.

To view the document, click on Updated Procedures for Meeting Legal Obligations When Consulting First Nations: Interim

While the Province is responsible for ensuring adequate and appropriate consultation and accommodation, proponents may be involved in the procedural aspects of consultation. Government officials are directed to the Guide to Involving Proponents When Consulting First Nations. This guide provides operational guidance to statutory decision-makers and staff respecting the role of proponents in consultation.

To view the document, click on Guide to Involving Proponents When Consulting First Nations.

4.3 TEMPLATES

4.3.1 MINE REVIEW COMMITTEE TERMS OF REFERENCE

Terms of Reference template:

http://www.for.gov.bc.ca/ftp/major_projects/external/!publish/web/mining/terms-of-reference-template.docx

4.3.2 PROJECT DESCRIPTION

http://www.for.gov.bc.ca/ftp/major_projects/external/!publish/web/mining/project-description-template.docx

4.3.3 APPLICATION REQUIREMENTS FOR MINES ACT & ENVIRONMENTAL MANAGEMENT ACT PERMITS

The following document is a template that can be used to develop an Application Requirements document for both *Mines Act* and Environmental Management Act permit applications. Note that despite the combined template for the application requirements document, the proponent will need to include separate applications for each permit in the bundle of applications to be reviewed.

http://www.for.gov.bc.ca/ftp/major_projects/external/!publish/web/mining/application-requirements-template.docx

4.3.4 REPORT TO STATUTORY DECISION-MAKERS - MAJOR MINE FROM EAA PROCESS

http://www.for.gov.bc.ca/ftp/major_projects/external/!publish/web/mining/major-mine-from-eaa-process.docx

4.3.5 REPORT TO STATUTORY DECISION-MAKERS - EXPANSION, EXTENSION OR RESTART

http://www.for.gov.bc.ca/ftp/major_projects/external/!publish/web/mining/expansion-extension-restart.docx

4.3.6 Report to Statutory Decision-Makers – Non-Reviewable Under Environmental Assessment Act

No template is currently available for a report to statutory decision-makers for a new major mine, non-reviewable under the Environmental Assessment Act; (awaiting a recent example to serve as a model for the template.)

4.3.7 Potentially Required Authorizations

Major mine proponents should work closely with the MRC in the pre-application stage to identify which permits, licenses and other authorizations will be required and which can be effectively bundled in the coordinated authorizations process.

The following one page summaries have been developed to assist the staff understand what may be required under the coordinated authorizations process. Given the unique circumstances of each project, other authorizations may be identified during the pre-application stage.

AUTHORIZATION ESSENTIALS

This section provides detailed descriptions and links to the most common statutes and application information requirements, to assist in the preparation of applications for major mine authorizations. This information is provided for the user's convenience only. Proponents of major mine projects should contact the appropriate government office to obtain project-specific application requirements before preparing or submitting any authorization applications.

4.4 MINISTRY OF ENERGY AND MINES

Authorizations administered by MEM:

4.4.1 CONVERT MINERAL TENURE

Tenure provides an exclusive or preferred right of access to explore for, develop and remove resources. For a major mine, tenure initially comes from a mineral claim under the *Mineral Tenure Act* or a *Coal Act* coal licence.

The Mineral Titles Office of MEM administers the statutes and manages the recording system pertaining to the acquisition and maintenance of mineral, placer and coal rights in the Province. More information: www.empr.gov.bc.ca/TITLES/MINERALTITLES

A mineral claim or coal licence must be converted to a mining lease under the *Mineral Tenure Act* or a coal lease under the *Coal Act* before production can exceed the limits specified in legislation.

Statute	Tenure	Agency	Purpose
Mineral Tenure Act	Mineral Claim	MEM	Subsurface rights to minerals in a defined unit, up to 10,000 tonnes per year per unit.
	Mining Lease	MEM	Conversion of mineral claim to a mining lease is necessary before production can exceed above limits.
Coal Act	Coal Licence	MEM	Rights to explore for and develop coal on the licence location up to a single 100,000 tonne bulk sample.
	Coal Lease	MEM	Conversion of coal license to a coal lease is necessary before production exceeds above limit.

4.4.2 Store and Use Explosives

Activity	Store and use explosives
Authorization	Explosives Magazine Storage and Use Permit
Description	Users must apply for an explosives storage and use permit
Legislation	*Mines Act* and Code (Part 8)
Agency	MEM
Decision-maker	Regional Mines Office – Inspector of Mines
Technical staff	Available in the regional mines office
Pre-Requisites	N/A
Linkages	(Federal) Department of Natural Resources Explosives Act - For the manufacturing of explosives along with the construction of the explosives plant.
Application Requirements	www.empr.gov.bc.ca/Mining/Permitting-Reclamation/ApplicationForms/Documents/Explosives.pdf
Guidance	• http://www.empr.gov.bc.ca/MINING/Pages/default.aspxhttp://www.empr.gov.bc.ca/Mining/HealthandSafety/Documents/HSRC2008.pdf

4.4.3 Construct, Operate and Close a Mine

Activity	Construct, operate and close a mine pursuant to the *Mine Act* definition
Authorization	Mines Act Permit
Description	Provides approval for the site preparation, construction, operation and closure phases of project development subject to conditions, provision of further detailed information and assessment as it becomes available and sets out closure and reclamation obligations and security
Legislation	*Mines Act* section 10 Health, Safety and Reclamation Code for Mines in British Columbia, part 10
Agency	Ministry of Energy and Mines
Decision-maker	Chief Inspector of Mines 6th Floor - 1810 Blanshard Street Victoria, BC V8W 9N3
Technical staff	Office of the Chief Inspector of Mines
Pre-Requisites	Mineral tenure. Advanced exploration (An ore body)

Linkages	Mines involve discharge of material to the environment and will therefore require waste discharge authorizations under the *Environmental Management Act*. Since the *Mines Act* permit and the *Environmental Management Act* authorizations have significant common information requirements, proponents are encouraged to make a Joint Application.
Application Requirements	Contact the Chief Inspector of Mines Office to obtain the most up to date information about application requirements. Guidelines for submitting a joint application for a *Mines Act* permit and an *Environmental Management Act* permit is available on the Major Projects Office Major Mines webpage: http://www.for.gov.bc.ca/major_projects/mining/ • A public notice of application is to be placed in the BC Gazette and local news media upon application, providing a 30 day public review period.
Guidance	Numerous useful guidance documents can be found at: http:/www.empr.gov.bc.ca/Mining/Permitting-Reclamation/Guidance/Pages/default.aspx http://www.empr.gov.bc.ca/Mining/Permitting-Reclamation/ML-ARD/Pages/Guidelines.aspx http://www.empr.gov.bc.ca/Mining/Permitting-Reclamation/Geotech/Pages/default.aspx Proactive steps the proponent can take: • Consult early with the Office of the Chief Inspector of Mines

4.5 MINISTRY OF ENVIRONMENT

Authorizations administered by MOE:

4.5.1 WASTE DISCHARGE AUTHORIZATIONS

Activity	Discharge from the mine site to the environment. • Effluent discharges (such as acid and neutral rock drainage, tailing pond supernatant, mine influenced run-off and sewage); • Air emissions (such as refuse incinerator emissions, emissions from large power generating plants, emissions from milling process); and, • Solid wastes (such as mill tailings, water treatment plant sludge, municipal and industrial refuse).
Authorization	Waste Discharge Permit or Approval
Description	The *Environmental Management Act* permit application can seek

	authorization for the site preparation and construction stage (erosion and sediment control and blasting residues) and operations stage (metal/chemical residues and contact water and tailings). Alternatively, the proponent may take a two-step approach to the *Environmental Management Act* permit by seeking authorization for only the site preparation and construction stage and deferring authorization via a permit amendment for the operations stage until engineering is sufficiently detailed to support an application for amendment to the permit. Authorizations can take the form of a permit or, for short-term discharges up to 15 months duration, an approval.
Legislation	*Environmental Management Act*
Agency	Ministry of Environment
Decision-maker	Regional Manager, Environmental Protection Division Section Head Environmental Quality
Technical staff	Environmental Protection Officer
Linkages	Major mines involve discharge of material to the environment and will therefore require waste discharge authorizations under the *Environmental Management Act*. Since the *Mines Act* permit and the *Environmental Management Act* authorizations have significant common information requirements, proponents are encouraged to make a Joint Application to improve the efficiency of the application/review process.
Application Requirements	Guidelines for submitting a joint application for a *Mines Act* permit and an *Environmental Management Act* permit is available on the Major Projects Office Major Mines webpage: http://www.for.gov.bc.ca/major_projects/mining/ Key requirements • A pre-application meeting for the proponent to provide an overview of the proposal, to confirm with the ministry the requirements set out in legislation and guidelines, and to confirm the level of detail for supporting information required. • Application form for an Authorization to Discharge Waste http://www.env.gov.bc.ca/epd/waste_discharge_auth/app_forms/ • Application fees • Several environmental management plans may be required (see guidelines) • A final Technical Assessment Report may be required • Notice of application must be published in the BC Gazette and local news media (30 day public notification period) See *Environmental Management Act* Public Notification Regulation

Guidance	Waste discharge authorizations are concerned with: quantity of effluent, quality of effluent and where is it going. Permit limits are then developed. Meet with Ministry of Environment staff before preparing an application. General guidance: www.env.gov.bc.ca/epd/waste_discharge_auth/index.htm Guidance for completing an application form, consultation and technical assessment: http://www.env.gov.bc.ca/epd/waste_discharge_auth/guidance/index.htm Proactive steps the proponent can take: • Prepare for pre-application meeting with Environmental Protection staff by becoming familiar with legislation and guidelines. • Verify acceptability of any emission dispersion model that will be used.

4.5.2 DISPOSE SEWAGE

Activity	Construct and use a sewage disposal facility for camps
Authorization	Sewage Disposal Registration and Certification
Description	**Sewage Disposal Facility Registration:** Authority to construct and use a sewage disposal facility (if necessary depending on design sewage flow of camp) for camps >100 persons. **Certification Letter:** A certification letter needs to be filed with Northern Health by an 'Authorized Person' for <22,700 L/day of sewage. If >22,700 L/day, then *Municipal Sewage Regulation* under the *Environmental Management Act* applies.
Legislation	**Registration:** *Environmental Management Act*, Municipal Sewage Regulation **Certification:** *Public Health Act* – Sewage Disposal Regulation
Agency	**Registration:** Ministry of Environment **Certification:** Health Authority
Decision-maker	**Registration:** Regional Manager, Environmental Protection Division Section Head Environmental Quality **Certification:** Environmental Health Officer, Public Health Protection, Health Authority
Technical staff	
Pre-Requisites	
Linkages	Compliance with requirements of the *Sanitary Regulations* of the *Health Act* Regional District bylaws if applicable
Application Requirements	Key requirements: • Registration must be completed 90 days prior to construction. • Environmental Impact Study and Operations Plan must be completed 90 days prior to construction. • Discharges cannot contribute to a health hazard • Only 'Authorized Persons' construct and/or maintain on-site sewage systems • Certified systems must be designed in accordance with the regulations and adhere to performance standards Public consultation: • no
Guidance	Registration guidance: http://www.env.gov.bc.ca/epd/mun-waste/ Municipal Sewage Regulation: http://www.env.gov.bc.ca/epd/mun-waste/regs/mwr/ Registration form and guidance: http://www.env.gov.bc.ca/epd/mun-waste/ Environmental Study

	guidelines: www.env.gov.bc.ca/epd/epdpa/mpp/pdfs/EIS_Guideline_Dec2000.pdf Operations Plan guidelines: http://www.env.gov.bc.ca/epd/mun-waste/ For certification guidance on regulation, requirements, how to file, and standard practices: http://www.health.gov.bc.ca/protect/lup_onsite.html http://www.gov.bc.ca/health/ Authorized Persons: http://www.health.gov.bc.ca/protect/lup_authorized.html Northern Health - Guidelines for Industrial Camps Sewage Disposal http://www.northernhealth.ca/YourHealth/EnvironmentalHealth/SewageDisposal.aspx Proactive steps the proponent can take: • Decide whether to register under the *Environmental Management Act* Municipal Sewage Regulation or include sewage disposal as part of the effluent permit under the *Environmental Management Act*. If it is included in the effluent permit, the system would need to meet the basic requirements of the Municipal Sewage Regulation. • Become familiar with the regulation • Hold a pre-registration meeting with MOE staff at least 60 days prior to registration

4.5.3 DISPOSE/INCINERATE REFUSE

Activity	Construction Camp
Authorization	Refuse Permit (for camp >100 persons) Air Discharge Permit (incinerator for camp >100 persons) Hazardous Waste Registration (if more than prescribed quantity)
Description	The Environmental Protection Program issues Waste Management Permits under the authority of the *Environmental Management Act*. The permits authorize the discharge of wastes to the environment and set limits on the quantity and quality of the discharge. They also set requirements for monitoring the effect of the discharge on the environment, and any other terms and conditions which may be necessary to prevent pollution. **Refuse Permit:** Authorization for municipal solid waste (solid waste from camps >100 persons) - disposal of food wastes for exploration, construction, and industrial camps. **Air Discharge Permit:** Authority to discharge air contaminants into the environment, e.g. Incinerator for camps serving >100 persons. **Hazardous Waste Registration:** Registration and application for a provincial identification number is required in order to produce, store, treat, recycle or discharge more than a prescribed quantity of hazardous waste within 30 days.
Legislation	*Environmental Management Act*
Agency	Ministry of Environment
Decision-maker	Regional Manager - EP or Section Head - EP
Technical staff	Environmental Protection Officer
Pre-Requisites	A pre-application meeting with MOE staff (Environmental Protection Officer) is essential to setting the scope of the application and process requirements for these authorizations.
Linkages	
Application Requirements	• Incinerator Application Requirements: • http://www.env.gov.bc.ca/epd/waste_discharge_auth/app_forms/ • Application fees • Several environmental management plans may be required (proponent to discuss with MOE staff as to what will be required) • A final Technical Assessment Report may be required • Notice of application must be published in the BC Gazette and local news media (30 day public notification period) See *Environmental Management Act* Public Notification Regulation

Guidance	http://www.env.gov.bc.ca/epd/waste_discharge_auth/intro.htm http://www.env.gov.bc.ca/epd/hazwaste/regs/index.htm • Ability to submit all the registration applications together as a package (refer • to Part 4 Division 1 sections 45 and 46 of the MWR for requirements "Before • discharge begins" and "Notification of discharge"). Proactive steps the proponent can take: • Schedule a pre-application meeting with MOE staff (Environmental Protection Officer) to set the scope of the application and process requirements - to provide an overview of the proposal, to confirm with the ministry the requirements set out in legislation and guidelines, and to confirm the level of detail for supporting information required. • Several environmental management plans may be required (proponent to discuss with MOE staff as to what will be required during the pre-application phase) • A final Technical Assessment Report may be required

4.5.4 STORE FUEL

Activity	Fuel Storage
Authorization	Registration
Description	Any petroleum storage facility that has a cumulative storage capacity over 100,000 L, occupies a location for more than 180 consecutive days and is NOT a part of a retail service station is required to register. The regulation also outlines requirements for oil water separator systems and effluent quality. The BC Fire Code has separate requirements that must also be adhered to.
Legislation	*Environmental Management Act* – Petroleum Storage and Distribution Facilities Storm Water Regulation
Agency	Ministry of Environment, Environmental Protection Division
Decision-maker	Director or Manager
Technical staff	Environmental Protection Officer or Technician
Pre-Requisites	
Linkages	Petroleum Storage and Distribution Facilities Storm Water Regulation http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/38_168_94 BC Fire Code http://www.bccodes.ca/bccode_fire.htm Spill Reporting Code http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/46_263_90
Application Requirements	Please note, there is no form or no fee for this regulation but the following information needs to be submitted to register. **Registration of petroleum storage and distribution facilities** **7** Every operator must register with a director each petroleum storage and distribution facility under the operator's charge or control by submitting in writing to the director the following information: (a) the name of the owner or operator; (b) the address of the owner or operator; (c) the address of the petroleum storage and distribution facility;

	(d) the name and telephone number of a contact person; (e) the number and total volume of tanks at the petroleum storage and distribution facility; (f) the volume and capacity of any oil/water separator or treatment device at the petroleum storage and distribution facility; (g) a description of the discharge point of all separators or treatment devices.
Guidance	A Field Guide to Fuel Handling, Transportation & Storage http://www.env.gov.bc.ca/epd/industrial/oil_gas/pdf/fuel_handle_guide.pdf

4.5.5 CONCRETE BATCH PLANTS (PERMANENT OR TEMPORARY)

Activity	Concrete Production in a batch plant
Authorization	Registration
Description	The code addresses air quality management, discharge of process water and storm water and the management of waste solids — as well as registration, monitoring, record keeping and enforcement.
Legislation	*Environmental Management Act* – Code of Practise for the Concrete and Concrete Products Industry
Agency	Ministry of Environment, Environmental Protection Division
Decision-maker	Director or Manager
Technical staff	Environmental Protection Officer or Technician
Pre-Requisites	
Linkages	Code of Practise for the Concrete and Concrete Products Industry http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/16_329_2007
Application Requirements	Registration Form with submission instructions & $200 application fee http://www.env.gov.bc.ca/epd/industrial/regs/codes/concrete/pdf/reg_form.pdf
Guidance	Guidance Document available here http://www.env.gov.bc.ca/epd/industrial/regs/codes/concrete/index.htm

4.5.6 OPEN BURNING

Activity	Open Burning (Land clearing debris, construction wastes and other wood wastes)
Authorization	Burning Permit
Description	Open burning of wood debris, generated by activities such as land clearing and forest harvesting, can be conducted in accordance with the *Open Burning Smoke Control Regulation*. Conditions of the regulation are summarized in Appendix A. Open burning of other waste materials is prohibited.
Legislation	*Wildfire Act* Land Clearing Debris – carried out in accordance with the Open Burning Smoke Control Regulation: http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/34_145_93 Construction Wastes and other Wood Wastes – requires authorizations under the Environmental Management Act: http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/03053_00
Agency	Forests, Lands and Natural Resource Operations (Regional Environmental Protection Office)
Decision-maker	n/a
Technical staff	n/a
Pre-Requisites	n/a
Linkages	Ensure to monitor venting index
Application Requirements	Key requirements: • Any burning requires a burning reference number. • Burning reference number contact: 1-888-797-1717
Guidance	A Permit or Approval under the *Environmental Management Act* is required for open burning operations which do not meet the requirements of the Open Burning Smoke Control Regulation. Contact the regional Environmental Protection office for permit/approval application instructions.

4.6 MINISTRY OF FORESTS, LANDS AND NATURAL RESOURCE OPERATIONS

Authorizations administered by FLNRO:Occupy Crown Land

Activity	Occupy Crown land for power line right of way, quarry, camp, staging areas, or mine infrastructure off of the mineral tenure
Authorization	Permit, Licence of Occupation, Lease or Sale
Description	**Temporary Permit**: Issued for temporary use up to two years. **Investigative Use Permit:** Issued to any proponent requiring access to the land for appraisals, inspections, analyses, inventories, surveys or other investigations of Crown land or its natural resources, or where otherwise required. No disturbance is authorized and no buildings or other improvements may be placed on the land. **Licence of Occupation**: Authorization for power line right of way, quarries, camps and staging areas. Utilities on Crown land, whether buried, hung on poles or sunk/buried under water require authorization. **Lease**: A lease should be issued where long term tenure is required, where substantial improvements are proposed, and/or where definite boundaries are required in order to avoid conflicts. **Sale:** Crown land sales may occur through an application process if the proposed site meets specific criteria and the use is considered suitable by government agencies and other affected interests. Only investigative and temporary permits and licences of occupation are used in the early stages of mine development. Licences may be converted to long term tenure, when a project is approved by government. See mining policy at: www.for.gov.bc.ca/Land_Tenures/tenure_programs/programs/mining/
Legislation	*Land Act*
Agency	FLNRO
Decision-maker	Minister – delegated to Land Officer
Technical staff	Land Officer (project-specific)
Pre-Requisites	
Linkages	Related authorizations: • Occupant License to Cut to clear trees tenure of occupation • *Water Act* authorizations to change or use streams
Application Requirements	Application documents: www.for.gov.bc.ca/land_tenures/tenure_programs/programs/mining/index.html

	Key requirements: • In addition to general application requirements, mining applications require a site plan, a Certificate of Public Convenience and Necessity from the BC Utilities Commission (if applicable), and a Management Plan. • Front Counter BC receives application and fees • At the time of application acceptance, provincial staff will notify applicants if advertising is required and provide the necessary instructions. http://www.for.gov.bc.ca/Land_Tenures/documents/cabinet/advertising.pdf
Guidance	Refer to *The Crown Land Program Areas - Mining* webpage: www.for.gov.bc.ca/land_tenures/tenure_programs/programs/mining/index.html Proactive steps the proponent can take: • Carefully follow the requirements specified in the application documents. Deficiencies in the application will cause delays.

4.6.1 Inspect, Investigate, Alter Archaeological/Heritage Site

At the exploration stage, before surface disturbance, proponents should contact the Heritage Conservation and Archaeological Branch of FLNRO to identify potential archaeological and heritage concerns and the need for any assessments and permits. Additional activity and permits is typically needed at the access & site preparation stage.

Activity	Disturbance which could impact archaeological deposits or heritage values
Authorization	**Permit(s) under the** *Heritage Conservation Act* (HCA)
Description	**Inspection Permit (s.14):** Authority to inspect a property for the presence of archaeological deposits, to assess potential impacts to archaeological deposits by a proposed development, to evaluate the significance of the site(s), and to provide enough information to formulate management recommendations for the site(s). **Investigative Permit (s.14):** Authority to mitigate impacts to site through the recovery of data after an impact assessment has been completed under an inspection permit, and when a site has been determined to be too significant to go straight to an alteration permit. **Site Alteration Permit (s.12):** Authority to alter or destroy the site in accordance with the terms and conditions of the permit.
Legislation	*Heritage Conservation Act*
Agency	Ministry of Forest Lands and Natural Resource Operations, Archaeology Branch

Decision-maker	Director or Manager of the Permitting and Assessment Section
Technical staff	Permitting and Assessment Section PO Box 9816 Stn Prov Govt, Victoria BC V8W 9W3
Pre-Requisites	Archaeological studies
Linkages	
Application Requirements	Application forms: www.tca.gov.bc.ca/archaeology/archaeology_professionals/permits.htm Details on recording and submitting information: www.tca.gov.bc.ca/archaeology/bulletins/bulletin23_Recording_Archaeological_Study_Areas.htm
Guidance	Overview information, standards, guidelines, practices, legislation, etc.: www.tca.gov.bc.ca/archaeology/archaeology_professionals/index.htm Site Alteration Permit Application Guide can be downloaded from: www.tca.gov.bc.ca/archaeology/archaeology_professionals/permits.htm

4.6.2 Change In/About Streams or Divert/Use Water

Activity	Changes in or about a stream. Divert, store or use surface water See "Remove groundwater" under MOE for well requirements.
Authorization	Water Licence or approval to use or change stream
Description	**Water License:** Authority to store, use and/or divert surface water including installation of works. May or may not be required for capturing and recycling water for industrial use. **Short-term Use of Water (s.8):** Authority to carry out any short-term use of water. A separate short-term use approval application needs to be filed for each water source. **Approval or Notification of Changes in or About a Stream (s.9):** An approval is written authorization for physical changes in and about a stream of a complex nature. Notifications are used for works that do not involve any diversion of water, may be completed within a short period of time, and will have minimal impact on the environment or third parties.
Legislation	*Water Act*, Water Regulation
Agency	Ministry of Forests, Lands and Natural Resource Operations, Water

	Stewardship Section
Decision-maker	Regional Water Manager
Technical staff	Water Stewardship Officer (project-specific)
Pre-Requisites	
Linkages	See application guides for information about federal requirements.
Application Requirements	Application packages for authorizations, user guides, standards, best practices, and legislation: www.env.gov.bc.ca/wsd/water_rights/licence_application/index.html www.env.gov.bc.ca/wsd/water_rights/licence_application/section9/index.html Key requirements: • Application package • Application Fee • Location, drawing, plan, site map • Development plan may be required. • Hydrological and other data requirements, dependent upon project
Guidance	Links in Application Requirements include user guides. Proactive steps the proponent can take: • Applications for authorizations should be made well in advance of the anticipated construction period to ensure the proponent allows sufficient time to address any terms and conditions that may be required.

4.6.3 REMOVE GROUNDWATER

Well registration and compliance with Groundwater Protection Regulation of *Water Act*.

Activity	Well construction
Authorization	Follow the Regulation
Description	Well construction that significantly enhances ground water protection
Legislation	Groundwater Protection Regulation – *Water Act*
Agency	Forest, Lands and Natural Resource Operations (FLNRO) – Water Stewardship Division
Decision-maker	Water Stewardship Section Head or Director of Authorizations
Technical staff	Water Stewardship Officer – In the Region
Pre-Requisites	n/a
Linkages	May be tied to the Environmental Assessment (depending on size)

Application Requirements	Link to application forms and information requirements. Key requirements: • Water Protection and Sustainability Branch Website: http://www.env.gov.bc.ca/wsd/plan_protect_sustain/groundwater/
Guidance	Proactive steps the proponent can take: • Water Protection and Sustainability Branch Website: http://www.env.gov.bc.ca/wsd/plan_protect_sustain/groundwater/ • Water and Air Baseline Monitoring Guidance Document for Mine Proponents and Operators http://www.env.gov.bc.ca/epd/industrial/mining/pdf/water_air_baseline_monitoring.pdf

4.6.4 Cut and Remove/Destroy Crown Timber

Activity	Cut and remove trees on Crown land by person with occupation rights
Authorization	Occupant Licence to Cut (OLTC)
Description	Describe what specifically is being authorized (and maybe the values being managed/protected by the requirement for the authorization)
Legislation	*Forest Act*
Agency	Ministry of Forests, Lands and Natural Resource Operations
Decision-maker	District Manager or delegate
Technical staff	Authorizations Officer (ask Major Projects Office for project-specific contact)
Pre-Requisites	Operational Licence To Cut (OLTC) can only be issued to a person with occupation rights on Crown land under a land surface tenure such as mineral claims/mining lease, special use permit, *Land Act* tenure, etc.
Linkages	OLTC for cutting trees on SUP road can be bundled with SUP application to the local forest district office. **Burning** must comply with *EMA* Open Burning Smoke Control Regulation and with *Wildfire Act*. Call 888-797-1717 to get a burning reference number. Refer to webpage on Burning Outdoors: What, Where and When? (including smoke control) www.bcairquality.ca/topics/burning-outdoors.html *WorkSafe BC Act - Notice of Forestry Operations* form: www.worksafebc.com/insurance/managing_your_account/notice_of_project/default.asp
Application	Application form: http://www.for.gov.bc.ca/isb/forms/lib/FS321.PDF

Requirements	Key requirements: • A timber cruise may be required • Timber cruise must meet standards of BC Timber Cruising manual. • Timber stumpage (payment for timber removed or destroyed) will be based on the Interior Appraisal Manual. Cruising and appraisal manuals: www.for.gov.bc.ca/hva/manuals.htm • Public consultation may be required if stakeholders impacted. Can be included in public consultation package for mine site • Separate OLTCs are required for area versus linear tenures.
Guidance	Proactive steps the proponent can take: • Communicate with the authorizations staff well in advance. • Be aware that field work and checks may have seasonal limitations.

4.6.5 CONSTRUCT AND USE ROAD

Activity	Construct, maintain and use access road within Provincial Forest
Authorization	Special Use Permit
Description	Construction, maintenance and/or use of access road and associated lay down areas, log landings and borrow pits, within Provincial Forest leading to a mineral tenure. The SUP provides occupation rights but no rights to cut, remove or destroy trees on the SUP area.
Legislation	Provincial Forest Use Regulation of the *Forest Practices Code of British Columbia Act:* *http://www.for.gov.bc.ca/tasb/legsregs/archive/fpc/fpcaregs/pforuse/pfur.htm* ***Forest and Range Practices Act*** s.22 and 22.1: http://www.for.gov.bc.ca/code/
Agency	Ministry of Forests, Lands and Natural Resource Operations
Decision-maker	District Manager
Technical staff	Authorizations Officer (ask Major Projects Office for project-specific contact)
Pre-Requisites	Valid tenure at the end of the road
Linkages	Need an **Occupant License to Cut** (OLTC) to cut and remove/destroy trees on the SUP area.
Application Requirements	SUP Application Guidelines are available on many district websites. Key requirements:

	• Application with plans and information specified in the SUP Application Guidelines. • Deposit • Access, SUP and associated OLTCs can be done at one time.
Guidance	Proactive steps the proponent can take: • Communicate with the authorizations staff well in advance. • Be aware that field work and checks may have seasonal limitations.

4.6.6 Wildlife Salvage and Removal

Activity	Wildlife salvage and removal
Authorization	Wildlife Act Permit
Description	Under the Permit Regulation, permits may authorize the conduct of specific activities, or provide an exemption from having to comply with certain regulations. Most permits apply for limited periods of time--usually not more than 5 years.
Legislation	*Wildlife Act* Permit Regulation
Agency	Ministry of Forests, Lands and Natural Resource Operations, Fish and Wildlife,
Decision-maker	Regional Manager
Technical staff	Fish and Wildlife Manager
Pre-Requisites	
Linkages	
Application Requirements	Pick up an application from your nearest FCBC office or regional Fish and Wildlife manager, or Government Agent or the Permits and Authorizations Service Bureau. Key requirements:
Guidance	An introduction to the Wildlife Permit Regulation http://www.env.gov.bc.ca/pasb/fw_permreg.html

4.6.7 Use Existing Industrial Road

"Forest service road" is a designation under the *Forest Act* which allows the road to be administered by FLNRO and requires FLNRO to ensure that the road is maintained.

Industrial use of a forest service road must be authorised under a road use permit (RUP). Typically, a RUP authorizes use of one or more segments of road. Section 79 of the *Forest and Range Practices Act*'s Forest Planning and Practices Regulation allows the district manager to order the holder of an RUP to assume surface maintenance obligations for the segments covered by the RUP. The regulation also defines what the maintenance obligations entail. Subsequent users of the same road segments are not to be designated as having surface maintenance responsibilities; however, they are responsible to pay a reasonable cost to the user having the surface maintenance obligations.

The RUP application form is available at
www.for.gov.bc.ca/hth/engineering/permits_documents.htm

Holders of an agreement under the *Forest Act* or *Range Act* may have a road permit to construct, maintain and use an industrial road.

Road permits and special use permits are non-exclusive tenures which normally allow access to the public and other industrial users.

If an industrial road is under a road permit or a special use permit, the legislation requires other industrial users to give notice to the permit holder and to make a reasonable contribution towards road maintenance. Therefore, the parties must enter into a road maintenance agreement.

4.7 Ministry of Transportation and Infrastructure

Authorizations administered by the Ministry of Transportation and Infrastructure:

4.7.1 Connect, Cross or Use Highway Right of Way

Activity	Connect, cross or use highway right of way or infrastructure
Authorization	Access Permit, Utility Permit, Crossing Permit
Description	**Access Permit:** Authority to construct proposed routes that originate off of highway. **Utility Permit:** Authority to construct power line (up to 69kV) as well as access points to build and maintain it within highway right-of-way. **Crossing Permit:** Authority for circumstances wherein power line crosses over highway right-of-way or infrastructure (may be able to tie into Utility Permit).
Legislation	*Transportation Act*
Agency	Ministry of Transportation and Infrastructure
Decision-maker	MTI District Manager
Technical staff	District Development Technician
Pre-Requisites	
Linkages	
Application Requirements	Link to online and paper applications: http://www.th.gov.bc.ca/permits/Apply.asp Key requirements: • Detailed drawings showing design of intersection • For utility permit, pole locations must be staked in the field for a field visit • Application fee •
Guidance	Link to permit information: http://www.th.gov.bc.ca/permits/1%20Permits.asp Proactive steps the proponent can take: • Discuss access (temporary and permanent) to construct/maintain utility

4.7.2 Rail Access and Information Links

Please contact the Ministry of Transportation and Infrastructure for further information.

http://www.gov.bc.ca/tran/contacts.html

4.8 Health Authorities

Authorizations administered by the Health Authority for the area:

4.8.1 Supply Drinking Water

Activity	Construct or modify a water supply system and provide drinking water.
Authorization	Water Supply Construction Permit, Operating Permit
Description	**Water Supply Construction Permit:** Authority to commence construction, installation, alteration or extension of a water supply system. Required for commissioning of a new water system and also for every structural or mechanical change to an existing water system that may occur over time, but no required for routine maintenance. Construction, installation, alteration, or extension of any part of a water supply system without a valid Construction Permit is an offence under Section 45 of the *Drinking Water Protection Act.* **Water Service Operating Permit:** Authority to provide a drinking water service to users.
Legislation	Drinking Water Protection Act and Regulation
Agency	Health Authority – Public Health Protection
Decision-maker	**Construction Permit:** Public Health Engineer, Public Health Protection, HA **Operating Permit:** Drinking Water Officer/Environmental Health Officer, Public Health Protection
Technical staff	Public Health Protection office within Health Area
Pre-Requisites	For a new water system, the operating permit will not usually be issued until the CP process is completed.
Linkages	Water Licence from FLNRO is required if surface water will be used. If the source is a well, the well must be registered and the well must comply with the Groundwater Protection Regulation of Water Act. The operating permit process for a water system can move forward in parallel with the construction permit process.
Application Requirements	Northern Health application for Construction Permit Key requirements:

	• Compliance with *Drinking Water Protection Act* and Regulation • Drinking water source approval
Guidance	• Construction permit process flowchart • Northern Health Guidelines for Approval of Waterworks • Guidelines for small water systems (systems serving <500 persons in any 24-hour period) • Operating Permit Application • Emergency response plan template

4.8.2 FOOD PREMISES

Activity	Opening a food premise
Authorization	Food Premises Permit
Description	Prior to opening a food premise, approval must be obtained from the Environmental Health Officer.
Legislation	*Public Health Act*, Food Premise Regulations.
Agency	Health Authority
Decision-maker	Environmental Health Officer Health Authority
Technical staff	
Pre-Requisites	
Linkages	Related requirements include fire inspections, building inspection, business license, etc.
Application Requirements	Link to Northern Health application forms and information requirements. http://www.northernhealth.ca/YourHealth/EnvironmentalHealth/FoodSafety.aspx Key requirements: • Building Plans • Proposed Menu • Food Safety Plans • Sanitation Plans • Food safe Certificates • Inspection required
Guidance	Proactive steps the proponent can take: • Application and plans must be submitted prior to the proposed opening date to allow sufficient time for review and comment, approval, and the initial inspection.

4.8.3 Sewage Disposal

MOE and the Health Authority administer sewage disposal authorizations. Refer to section 4.5.2 for details.

6.5.4 Camp Construction

Activity	Construction of a camp (Ranges from temporary exploration camp to permanent mining camp)
Authorization	Notice of Work
Description	Prior to building a camp, approval must be obtained from the Mine Inspector and Environmental Health Officer.
Legislation	*Public Health Act*, Industrial Camps Regulation and the British Columbia Building Code.
Agency	Ministry of Energy and Mines, Health Authority
Decision-maker	Mine Inspector as designated by the Chief Inspector of Mines and Environmental Health Officer from the Health Authority
Technical staff	Professional designates as required
Pre-Requisites	
Linkages	http://www.empr.gov.bc.ca/Mining/Permitting-Reclamation/PermitApplicationRequirements/Pages/default.aspx http://www.empr.gov.bc.ca/Mining/Permitting-Reclamation/Pages/NoticeofWorkApplications.aspx http://www.bccodes.ca/building-code.aspx
Application Requirements	Key requirements: • Building Plans • Sanitation Plans • Professional Inspections required • Part of the reclamation plan
Guidance	Proactive steps the proponent can take: • Application and plans must be submitted prior to construction to allow sufficient time for review and comment, approval, and the initial inspection.